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# NEWFOUNDLAND.

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*37th*

THE HISTORY  
OF  
NEWFOUNDLAND

FROM THE EARLIEST TIMES TO THE YEAR 1860.

BY THE  
REV. CHARLES PEDLEY,

OF ST. JOHN'S, NEWFOUNDLAND.

LONDON:  
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THIS

'HISTORY OF NEWFOUNDLAND'

THE AUTHOR DEDICATES

(BY PERMISSION)

TO

THE MOST NOBLE

THE DUKE OF NEWCASTLE, K.G.

&c. &c.

PRINCIPAL SECRETARY OF STATE FOR THE COLONIES,

AS A MARK OF ESTEEM FOR THE ADMIRABLE QUALITIES DISPLAYED  
BY HIS GRACE IN THE ADMINISTRATION OF COLONIAL AFFAIRS,  
AND AS A HUMBLE MEMENTO OF THE VISIT OF THE PRINCE OF  
WALES TO THE ISLAND IN 1860, ACCCOMPANIED BY HIS GRACE—AN  
EVENT WHICH GRATIFIED AND CONFIRMED THE LOYALTY OF THE  
COLONY, BROUGHT FOR THE FIRST TIME TO ITS SHORES A CABINET  
MINISTER OF GREAT BRITAIN, AND SECURED FOR THE INHABITANTS,  
IT IS HOPED, A PERMANENT PLACE IN THE KINDLY RECOLLECTIONS  
ALIKE OF THE MINISTER OF STATE AND OF THE HEIR-APPARENT

TO THE THRONE.



## PREFACE.

---

THE present History of Newfoundland owes its origin to the natural desire I felt, to know something of the people among whom I had come to reside. The result of enquiries in this direction, both in England and in St. John's, was to show that the published materials relating to the growth and character of the colony were very scanty indeed. In the course of a conversation I had with Sir Alexander Bannerman, the present Governor of the island, about two years ago, His Excellency expressed his regret that there was not a good history of the colony. He at the same time stated, that he thought he had discovered an extensive collection of Records, which would furnish authentic matter for such a work.

At a later period I made formal application to the Governor for permission to examine the Records, with the view of preparing (from such memoranda chiefly) some historical account of the colony. In answer to my application, I received a letter from Sir Alexander

Bannerman, from which the following extracts are taken. His Excellency says:—

On my arrival here I was naturally desirous to obtain statistical and other information relative to the colony, the Government of which I was sent to administer. . . . . In the spring of 1860, I was informed by the Colonial Minister that in all probability the Prince of Wales would first set foot in the Western Hemisphere on this, the earliest Colonial Possession of the British Crown, and the Duke of Newcastle desired me to send any recent work, with such local and historical information as might be interesting to His Royal Highness. I forwarded to him Reeves' history of the Government of Newfoundland, and Anspach's more general history of the country, which the Prince read on his passage out.

My Council readily agree with me in giving you access to the Records, which I believe will furnish you with the materials of the history which you propose to write. Containing as they do many thousand pages, I have only been able to take a cursory glance at them, but this has been quite sufficient to convince me of their value, and that they will throw much light on the early history of this ancient possession of the Crown, as they show what Newfoundland was a century ago and even later, when it was recognised as a fishery only and not a colony — when the planters were ruled over by unscrupulous men called Fishing Admirals, these being under the control of the West of England merchants, whose influence was all powerful with the Boards of Trade and Plantations — when penal laws existed and were sharply enforced in this colony — laws which happily no longer disgrace our Statute Book.

Subsequently, I forwarded to His Excellency a portion of the MS. of the work, in reference to which

he was kind enough to write me a note, in which (after some complimentary allusions to the author, which it is unnecessary to insert here) occur the following paragraphs:—

It is quite wonderful to think what the colony was, what it now is, and what it may become, if the industry of the people progress at the same ratio as in the past; and especially if they will act upon the sentiment expressed by the Prince of Wales on his visit here in 1860—‘The Queen will rejoice to hear that good order and obedience to the laws characterise the population.’ His Royal Highness added that it would be his constant prayer that ‘the inhabitants of this colony may long live in the possession of an earnest faith, and at the same time in religious peace and harmony.’

You, Sir, are aware that, six or seven months after this, in May 1861, very serious riots and disturbances took place here, leading to consequences which all of us had deeply to deplore, and which I most earnestly hope will never again occur. I cordially unite in the feeling expressed by an influential personage in this community, the Right Rev. Dr. Mullock, prelate of the Roman Catholic Church, in a communication addressed to me in the month of November 1861 (six months after the riots):—

‘I beg to assure your Excellency that no man is more anxious than I am that the truly Christian sentiments of His Royal Highness the Prince of Wales may be the rule of conduct to the people here, and I beg your Excellency to forward this letter to His Grace the Duke of Newcastle.’

Hoping you will be successful in the work you have undertaken and brought so near to a completion, I am,  
yours truly,

A. BANNERMAN, Gov. N.F.L.

It was my intention to have enumerated and characterised the various works which have been written in relation to Newfoundland; but, as I have been indebted to only two of these — the volume by Chief-Justice Reeves, published in 1793, and that by Anspach, published about 1820, and as a catalogue of the books on the country is given in Sir Richard Bonnycastle's work, such enumeration is, I think, unnecessary. There is, however, one book which it might have been expected I should have drawn largely upon for the early history of the country — that published by Captain Whitbourne in 1622. My reason for not doing so is that, on reading his interesting volume, I discovered the evidence of an over-credulousness in the writer, which, notwithstanding all his opportunities, detracts much from the value of his testimony.

In Appendix No. I. several quotations are given from Whitbourne's work, which will enable the reader to form some idea of the character of the oldest book on Newfoundland, written by one who paid frequent visits to the island.

In the compilation of the Appendices I have been indebted to several parties, more especially to my friend A. Scott, Esq., the able Principal of the

General Protestant Academy in St. John's. To him and to all others who have given me assistance in various ways, I beg to tender my respectful and thankful acknowledgments.

C. P.

LONDON : *August* 1863.



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A HISTORY  
OF  
NEWFOUNDLAND.

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CHAPTER I.

1497—1583.

NEWFOUNDLAND — one of the valuable colonial possessions of Great Britain, and forming the key to the vast dependencies of that empire in North America — is an island bounded on the west by the gulf and river of St. Lawrence, on the north by the straits of Labrador, and on the south and east by the Atlantic Ocean. Its geographical position is between the latitudes of  $46^{\circ} 37'$  and  $51^{\circ} 40'$  north, and the longitudes of  $52^{\circ} 41'$  and  $59^{\circ} 31'$  west. It contains a sea-coast of nearly two thousand miles in extent, frequented by the shoals of fish for which the country has been famous since its discovery. The interior, though of great extent and covered with forests relieved by numerous lakes of various sizes, is comparatively little known; but the bays and

inlets of the shore are the seats of a busy and increasing population contributing largely to the commerce of the world.

It is proposed in the following pages to trace the history of Newfoundland up to the present time, passing rather rapidly over the period of its discovery and earlier settlements,—the reader being referred for further information on these points to older books, in which as much as is known (and perhaps sometimes more) is variously recorded. The principal design of the present work is to furnish, so far as possible, a connected and intelligible narration of the progress of the island in more recent times, so as to afford some answer to the very natural questions—How did the colony arrive at its present state? How did it pass from a mere fishery to the rank of a colony? Whence, and in what circumstances, were its inhabitants introduced? How originated and grew the religious distinctions which have now such a marked place in their condition? How were their different institutions, legislative, legal, and educational, brought into existence, and consolidated into the shape in which they appear at this day? If the writer shall succeed in imparting any useful information on these subjects of enquiry, the degree of his success will be the measure of his attainment of the object he set before himself in the publication of this volume.

The emerging to the light of European discovery of before unknown regions in the Western Hemisphere was coincident with the clearing away of much of the mist of obscurity overhanging the history of Europe

itself. It belongs to a period the most eventful and important in the annals of the world, a period witnessing the dawn of the principal changes which, with their momentous consequences, have given colour to the manifold characteristics, and influenced the very texture of modern life. The English nation was not the least marked example of this revolutionary process. For thirty years her sons had lifted up their hands against each other in the battle for preeminence between the rival standards of York and Lancaster. The unhappy feud was brought to an end by the elevation to the throne of Henry VII., a man who, in addition to the qualities which had enabled him to seize on the crown through the issue of war, had other qualities fitting him for his position, as being in harmony with rising tastes in the people over whom he was called to rule. These had longed for peace that they might follow undisturbed the pursuits of trade and reap substantial benefits from such pursuits, not only in the intercourse between town and town, and town and country, but in the more distant ventures which brought them into commerce with other lands. For already this larger and beneficial intercommunion was stimulating the energies of men in various kingdoms: and already their imaginations had begun to wander beyond the known and beaten fields of enterprise to speculate on unknown realms that might possibly be laved by the waters of untraversed seas.

The foremost name on the list of those in whom these notions and aspirations wrought, is that of Columbus the Genoese, who, as he looked with wistful eye over

the Western Ocean, indulged the idea, until it became a fixed belief, that beyond the horizon which skirted his view lay fertile lands inviting adventurous research. Strangely enough, the opportunity of being the patron of the most wonderful and fruitful enterprise of that age was offered to Henry VII. of England. Nor was the honour foreign to his ambitious designs, the immediate indulgence of which, however, was checked by the over caution of the monarch, and thus the splendid occasion was lost. Columbus at length obtained tardy and parsimonious help from Ferdinand and Isabella of Spain, and ere many months had passed, the return of the explorer bearing the present of a new world to his patrons conveyed to the Tudor Prince the mortifying intelligence that the grandest opportunity for the exercise of a sovereign's magnanimous cooperation had been allowed to slip out of his hands. The glory of the discovery of the Western Hemisphere belongs to Spain. At the same time Portugal was gaining laurels in the field of maritime research, but in a different direction. She had already traced the western coast of Africa, and was preparing to round the Cape with the view of penetrating into the far East. Was there nothing left to England, and to England's sovereign, to contribute to the light of territorial knowledge which was dawning on the nations?

In Bristol there resided, among some Italian merchants drawn thither for the purposes of trade, one John Cabot, a Venetian, a man who joined to his knowledge of commerce an acquaintance with and an interest

in the science and art of navigation. He was a man distinguished, too, for an enquiring and speculative genius. It is pleasant to believe that the relaxations introduced by Henry VII. in the trade between his subjects and the Italian cities may have quickened the zeal of this enterprising foreigner to move beyond the track of his ordinary profession, and to offer the benefit of his conceptions and his efforts to the nation which had afforded him an hospitable home. However this may be, he proposed to undertake a voyage of discovery to regions north of those visited by Columbus, and obtained from the king letters patent granting to John Cabot, citizen of Venice, and to Ludovicus, Sebastian, and Sanctus, sons of the said John, authority to proceed and discover in any part of the world—*islands, countries, regions, and provinces belonging to the heathen, and which were previously unknown to all Christians.*

From the time of this grant, the name of John Cabot disappears from the record,—at least the characters are so obscurely traced as to afford no definite information as to who took part in the projected enterprise. His son Sebastian succeeds him as the principal figure in the narrative, and on him, though a young man, appears to have devolved the charge of conducting the expedition. The fleet of which he had the command, consisting, it is said, of five vessels manned by about three hundred men, steered to the north-west, afterwards deviating to the south-west, and on June 24, 1497, the Feast of St. John the Baptist (such is the date assigned), the

sailors caught the first glimpse of Terra Nova. It is doubtful, however, whether the land thus made was any part of Newfoundland proper, or belonged to the neighbouring coast of Labrador, separated from the island by the narrow straits of Belle Isle. Whatever was the locality that gave the discoverer what he called his *prima vista*, the time of his discovery was coincident with that of the annual migration of cod fish, for which these seas have ever since been famous. In such abundance were these inhabitants of the waters seen by the voyagers that Sebastian called the country *Baccalaos*, the native appellation of this fish, a name which is perpetuated in a small rocky island, Baccalieu, about forty miles to the north of the capital, St. John's, and forming a wild residence, in which multitudes of sea birds build their nests.

The explorers pursued their voyage, still proceeding southward and westward, taking observations of Nova Scotia and a considerable part of the coasts belonging, till lately, to the United States of America. But with this farther progress and its disclosures this history has no concern. It is sufficient to have noted with a brevity justified by the obscurity of the original records, the manner of the first discovery of Newfoundland—a discovery which has conferred an honourable renown on its projector and his gifted son—which fills a fair page in the history of our first Tudor king, and which has been productive of no small amount of wealth to the British nation. It makes a pleasant change in groping through the maze of these older annals, to pass from the turbulent

anarchy in which kings and barons, burghers and peasants were spending years in deadly feudal strife, and in their place to see the honest citizen, not less brave than the former, animated with the spirit of peaceful and humane enterprise, proposing to his sovereign, and receiving from him helpful sanction, to go forth in search of regions in which future generations should hand down the nation's character, language, and rule. Such a reflection might well occur to the thoughtful visitor to the capital of the oldest of the British Colonies, as he looked on the commodious streets, the well-built houses, the wharves thronged with ships, the churches and cathedrals, all clustering around the very centre of a government whose authority extends over the spot, not very far off, on which the British navigator of three centuries and a half ago alighted to claim a new realm for his country and his king.\*

For the greater part of a century after this discovery,

\* The following are extracts from an account of the privy purse expenses of Henry VII., now amongst MSS. of the British Museum. They are copied here from a note to Anderson's *History of the Colonial Church*, vol. i. p. 8:—

1497, Aug. 10.—To hym that found the New Isle, 10*l.*

1498, March 24.—To Lanslot Thirkill of London, upon a prest for his shipp going towards the New Ilande, 20*l.*

April 1.—To Thomas Bradley and Launcelet Thirkill, going to the New Isle, 30*l.*

1503, Sept. 30.—To the merchants of Bristoll that have been in the Newfounde Launde, 20*l.*

1504, Oct. 17.—To one that brought hawkes from the New-founded Island, 1*l.*

1505, Aug. 25.—To Clays goying to Richemount, with wylde catts and popyngays of the Newfound Island, for his costs, 13*s.* 4*d.*

Newfoundland does not appear to have engaged much of the attention of the successors of Henry VII., or of influential persons about the Court. The further voyages of Cabot and others opened out fairer fields, more attractive to the spirit of enterprise, and promising readier gratification to that desire for wealth which was the principal motive with the greater part of those who followed in the track of genius. Still, the country which Cabot had called his *prima rista* occupied a geographical position which prevented its being forgotten by succeeding explorers, especially by those who were seeking new territory in the northern latitudes. In 1534, *Jacques Cartier*, to whom France was indebted for her knowledge and acquisition of Canada, partially circumnavigated the island on his way to realise his more important enterprise; and at a later period, he and Roberval, who had been appointed as his coadjutor, met in the roadstead of St. John's. In 1576, Martin Frobisher, one of the boldest of mariners, and whose name has become almost sacred in arctic explorations, visited the shores of Labrador, and in all probability touched on the lands separated from those shores by the narrow strait of Belle Isle.

In perusing the scanty notices of this period, two facts can scarcely fail to be observed: first, that Newfoundland occupied the same position in reference to voyages to the New World that it holds to this day. Being the nearest coast to Europe it has ever been the point to which ships sailing westward have bent their course. As it is the most immediate object of the commanders of the Cunard steamers to 'sight' Cape

Race, so, three hundred years ago, vessels bound on the same track, though their destination might be a thousand miles further west, directed their first endeavours to gain a view of Newfoundland; and many of them made a halting place of temporary rest to their weary crews and passengers in the commodious haven of St. John's.

A second fact, which is prominent to the reader of these early records, concerns the importance which silently and without ostentation came to be attached to the cod-fishery on the banks and around the coasts of the same country. While the more volatile spirits of Europe were dreaming of *Eldorados* in sunny climes, and the more gifted were speculating on some possible route across the western seas to eastern territories of ancient fame, numbers of men of various nations were content to follow a less romantic enterprise in seeking the real but unglittering wealth to be gathered from the chill waters, washing not very alluring shores. It is somewhat remarkable that the English who, on account of priority of discovery, claimed the island as their own, were not the principals in these early fishing expeditions. Spaniards and Portuguese showed an equal interest in them ; but, above all, the French so availed themselves of this new field of riches as to have anticipated that regard for it which has led to their establishing a concurrent right in the waters of a large part of the coast to the present time. But whencesoever the fishermen came, the fact is plain that, from the first discovery of the country, they did come in great numbers. In 1578,

according to Hakluyt, no less than four hundred vessels were engaged annually in this employ, of which from thirty to fifty were English. It was the custom of these adventurers, when the season was over, to return with what they had gained, and spend the winter in their several nations.

In the facts thus noticed may be traced the origin of the European population of Newfoundland. Vessels calling voluntarily at the port of St. John's, or driven thither by stress of weather, many of them conveying emigrants seeking a new home in a quarter of the world to which they were utter strangers, would probably often leave behind them in their port of call, persons who had had sufficient of sea-travel and were content to settle in the first land at which they arrived, rather than commit themselves to the ocean again in search of a more distant home; and among those employed in the work of the fishery, it is easy to conceive that many would come to prefer spending the winter where they had made their summer gains, and would grow in time weaned from the ties which bound them to the Old World, and attached to the soil of a region which, if it imposed rude trials, yet was free from irksome restraints. In this way we may account for the island's commencing to be peopled, as there is reason to suppose that when again it comes before us prominently in the page of history, the elements of a resident population have begun to form.

It is not until the reign of Elizabeth that we find Newfoundland again associated with the names and

the services of illustrious men. And then the country is referred to as the link in a chain of more extensive projected research. The English Court of this period exhibited a brilliant spectacle, being adorned with some of the most distinguished personages in our annals. Burleigh, Sussex, Essex, Leicester, and Sidney were chiefs in a crowd of statesmen, soldiers, and wits, who, if in their rivalries they afforded food for scandal, yet in their capacities and devotion graced the throne. Not the least marked in that crowd was the brave, the chivalrous, the high-minded and scholarly Raleigh. While pursuing the profession of arms in France, and in the Netherlands, this man of many parts had found leisure to turn his attention to the subject of navigation, especially in reference to those newly discovered portions of the world towards which the leading minds of Europe were being directed. His cogitations on this field received a practical bias from the publication, by his half-brother, Sir Humphrey Gilbert, of a treatise concerning the discovery of a north-west passage to the East Indies — a question which greatly occupied the speculations of gifted men. After the publication of this treatise, Gilbert obtained from the queen a patent to colonise such parts of America as were not already possessed by her allies, and he prevailed on Sir Walter Raleigh to embark with him in the enterprise. From the first it was disastrous. The defection of promised coadjutors, the disorder and desertion of the sailors, with the intervention of pirates and storms, soon drove the adventurers home again after they had

suffered considerable loss. The expedition, though thus checked, was not however relinquished : and as the period to which the patent extended was drawing to a close, Sir Walter, in connection with Gilbert, fitted out a new fleet, which set sail in June 1583, which the former was prevented from accompanying by a contagious disorder breaking out in his own ship at the time of departure. The commander, Gilbert, carried with him a short letter written by Raleigh, interesting as conveying the writer's last expressions of affection towards his brother-in-law, and as an evidence of Queen Elizabeth's good wishes on behalf of the expedition.

BROTHER,—I have sent you a token from Her Majesty, an anchor guided by a lady, as you see ; and, farther, Her Highness willed me to send you word, that she wished you as great good hap and safety to your ship, as if herself were there in person, desiring you to have care of yourself, as of that which she tendereth ; and therefore, for her sake, you must provide for it accordingly. Farther, she commandeth that you leave your picture with me. For the rest I leave till our meeting, or to the report of this bearer, who would needs be the messenger of this good news. So I commit you to the will and protection of God, who sends us such life or death as He shall please, or hath appointed.

Richmond, this Friday morning,

Your true brother,

WALTER RALEIGH.\*

The expedition consisted of four vessels. The 'Delight,' of 120 tons; the 'Golden Hind,' and the 'Swallow,' each of 50 tons ; and the 'Squirrel,' of

\* From Tytler's *Life of Sir Walter Raleigh*.

only 10 tons. Sir Humphrey arrived in the first of these at St. John's, Newfoundland, in the beginning of August 1583. He is said to have been attended by a motley following, in which were sailors, masons, carpenters, blacksmiths, musicians, &c., in whose presence—and calling together both English and strangers then fishing—he took possession of the country in the Queen's name, and erected the arms of England upon a pillar of wood in testimony of her Majesty's sovereignty.

The remainder of this voyage was most unfortunate, and proved fatal to its commander. Proceeding southward with the intention of bringing other countries within the patent,—discontent, mutiny, and disease broke out in the fleet, soon reduced to two vessels, the 'Delight' being lost, and the 'Swallow' having been sent home with sick. The flag of the Admiral had been transferred to the 'Squirrel' (the little cockleshell of ten tons), which he chivalrously refused to leave. On the return homeward, the two vessels kept company until they reached the parallel of the Azores, when a fearful storm arose, attended with portents which terrified the sailors. It was impossible for the little 'Squirrel' to live in such a tumult of waters, and she was swallowed up with all her freight. It is related that the 'Golden Hind' had kept as near to her as she could during the raging tempest, until the sad catastrophe, and it was with feelings of awe that the crew caught sight of Sir Humphrey calmly sitting on the reeling deck with a book before him, and heard him cry to his companions

in distress : ‘Cheer up, boys, we are as near to heaven by sea as by land :’ ‘a speech,’ says an eye-witness, ‘well becoming a soldier resolute in Jesus Christ, as I can testify he was.’

It was on the 22nd of September that the ‘Golden Hind’ arrived at Falmouth, sole remnant of the expedition which had gone forth a little over three months before. Its heroic projector and commander had perished, but not until he had performed the task assigned to him, by formally re-annexing to his country the new-found land, which under her auspices had been first made known to the world. His mission does not appear to have been followed with any earnestness in efforts towards the colonisation of the country, though it is not to be doubted that private zeal in the pursuit of individual wealth, augmented the numbers which, with each summer, came in search of the inexhaustible spoil to be gleaned from its surrounding seas.

## CHAPTER II.

1583—1697.

IF the close of the fifteenth century is illustrious by the first discovery of the lands of the New World, the two following centuries are distinguished for the prosecution of the work of discovery in more minute and practical details, and for attempts at settlement in the immense territories which exploring enterprise had brought to light. Leaving out of view the efforts of the Spaniards in this direction, who found a splendid field for colonising activity in the islands and continent of the South, the French occupy a foremost place in these researches, and in endeavours to turn them to account. About 1504, some Basque and Breton fishermen, engaged in the cod fishery, discovered an island to the south-west of Newfoundland, to which was given the name of Cape Breton — the name by which it is known at the present day. Nearly twenty years later Verazzano, furnished with authority from Francis I., surveyed a considerable portion of the coast of North America, and in 1534, *Jacques Cartier* — mentioned before as touching on Newfoundland, after visiting parts of that island, crossed the gulf on its western side, and passing by

Anti-Costi, sailed up a mighty river—the St. Lawrence, to the site of the present fortress and city of Quebec. With him was shortly afterwards joined Roberval, commissioned by the court to plant a colony, and engage in trade with the natives. Then followed nearly half a century in which France manifested little interest in these transatlantic possessions—being too much occupied with civil dissensions within her own borders. This internal discord being brought to an end by the elevation of Henry IV., attention was again turned to the regions of the West. In the year 1603, Champlain sailed for Canada, thus beginning a course of labours of the deepest interest to the rising colony. He organised a system of trade with the Indians—he formed amicable confederacies with them, or humbled them in war by the superior science of European civilisation. He fostered settlements of his countrymen, and laid the foundation of Quebec, in which city he was buried, in the year 1635. In the meantime, while France was consolidating her supremacy over the region traversed by the St. Lawrence, she had also gained an established footing in the territory bordering on the ocean—the present Nova Scotia, to which she gave the name of Acadia. In that country, as well as in Cape Breton, little French communities were being formed, and forts erected for the purpose of protection and defence.

During the same period, England had not been idle in the matter of taking possession of new countries, and planting her sons therein. The great pioneer in this work was the illustrious Raleigh. Not dis-

couraged by the disastrous result of the enterprise of which his brother-in-law, Sir Humphrey Gilbert, had been the leader, he organised another expedition, whose destination was the remote shores of the continent. Under these auspices, possession was taken of the country washed by the waters of the Chesapeake, and through various vicissitudes attending the settlers — often privations from the want of supplies from Europe, and contests with the natives — the infant colony took root, under the name of Virginia, in honour of the maiden queen, and grew up to be a flourishing state. It was more than a quarter of a century after the commencement of this plantation, that there took place the memorable exodus of the Pilgrim Fathers — a little community of men, women, and children, who made themselves exiles for the sake of conscience and freedom. These landed at first, to find a desolate home on the shores of the bay, to the north of Cape Cod, and laid the foundation of the New England States, destined, one day, to inaugurate a successful war with the mother-country which resulted in the independence of a continent. Virginia and Massachusetts are the most notable of the English transatlantic colonies of the seventeenth century. But soon others arose by their side. Maryland, so called after Henrietta Maria, wife of Charles I., was granted to the Roman Catholic Lord Baltimore as an asylum for his co-religionists, and in 1634, two hundred persons of that faith took possession of this beautiful country to avoid the disabilities which had pressed hard on them in a Protestant nation. Carolina,

called after Charles II., was first occupied by persons who had fled from the severe Puritan rule of Massachusetts, whose numbers were largely augmented by English emigrants furnished with lavish grants of land from the king. It was at a much later period that William Penn, who was a creditor of the Crown to the amount of 16,000*l.*, received in payment an immense tract of country stretching indefinitely inland, and bounded on the east by the Delaware river, and so was founded the Quaker state of Pennsylvania. The territory of the now important State of New York was first explored by the discoverer—Henry Hudson, whose name is perpetuated in the magnificent river, which American tourists know so well. Its commencement as a colony was, however, by the Dutch, and for half a century it acknowledged the sovereignty of Holland, when it was conquered and added to the dominion which prevailed in the adjoining states. New Hampshire and Maine were originally planted by some earnest adherents of loyalty and of the Church of England, but these characteristics were soon swamped by accessions from Massachusetts, under the sway of whose government the colony at length fell.

It was needful to make this brief sketch of the advancement of colonisation in the extensive territories of North America, as it furnishes the materials by which the progress of Newfoundland could not be otherwise than considerably affected. On the one hand, France had extended her sovereignty over the vast domain of Canada, on the way to which she also

claimed the sea-bordering lands of Acadia (Nova Scotia) and Cape Breton. On the other hand, England—starting from the boundary of this French dominion—had seized on the eastern coast of the continent stretching far to the south, and there had settled colonies of her children. On the line of travel to both these transatlantic realms, from their several parent states, lay Newfoundland, the nearest point reached from the ocean, and seldom passed without coming in sight of the voyagers. Though an English possession, the localities most contiguous to it belonged to the French, while the surrounding waters formed a rich neutral ground, to which people of both nations came annually to prosecute the lucrative enterprise of the cod-fishery. A knowledge of these facts will help to account for another fact, the extensive influence and possessions which history recognises as having belonged to the French in Newfoundland. Though it is difficult to trace from the historical records the origin and growth of this fact—yet its existence is continually implied, until we see it standing out in menacing dimensions, and leading to conflicts with the British claimants to sovereignty over the soil. And though this sovereignty is now an undisputed fact, and the flag of Britain is regarded as supreme in all the inhabited parts of the island, yet the French have left, in the names of places on the coast, especially on the southern border, unmistakeable evidence of their former possession and even local predominance. As we follow the map eastward from the point Cape Ray, which looks across the narrow

Strait dividing the country from Cape Breton, we find that one half the names laid down are French. *Point Enragée*, *Isles aux Morts*, *Bay Facheuse*, indicate the scenes of difficulties and hardships in navigation, which Gallic adventurers were the first to experience. *Bonne Bay*, *Chaleur Bay*, and *Rencontre Bay*, preserve the memory of more grateful associations. *Cinq Cerv* *Bay* is probably the monument of the success of some mighty hunter, while *Petit Fort Harbour* significantly testifies of military possession. This French nomenclature is not confined to the south of the island, but is also found, though less frequently, scattered over the north-eastern shores : and it must be confessed that the names thus derived are less coarse and homely than many which are of English origin, among which we meet with such as ‘Old Harry,’ ‘Piper’s Hole,’ ‘Hell Hill,’ ‘Seldom-come-by,’ ‘Come-by-chance,’ and others of a like suggestive, but unpoetic sound.

It is now time to resume the thread of the narrative, interrupted for the sake of the foregoing digression. In the year following Gilbert’s expedition, Newfoundland was visited by Sir Francis Drake, who appears to have been engaged in one of the half-warlike, half-piratical missions for which he was somewhat famous, as he seized on several foreign vessels laden with fish and oil, which he carried away as prizes. In the beginning of the seventeenth century a large amount of interest was evinced by the public mind in England towards this island. In addition to several private adventures,

a company was formed under royal sanction, for the purpose of promoting its colonisation. This organisation was headed by several distinguished names, the most memorable of which is that of the great Bacon, whose opinion has often been quoted, that the seas around Newfoundland contained a richer treasure than the mines of Mexico and Peru. Under the patronage of this company, a colony was sent out, endowed with a patent conveying a grant of a large part of the country. In the year 1623, another charter was granted, which seems to have made little account of the boundaries of the one just mentioned. It was obtained by Sir George Calvert, one of the Secretaries of State. This personage, soon afterwards created Lord Baltimore, was a Roman Catholic, a fact which, taken in connection with the times in which he lived, may partly explain his desire to procure a foreign asylum for himself and the adherents of his faith. Already the Puritan feeling was growing strong in England, and was manifested chiefly in a spirit of intolerance towards the practices and the members of the ancient church. And that was an age concerning which the present representatives of no religious body, whether High Church, or Puritan, Catholic or Protestant, can vindicate the liberality of their ancestors. Persecution was a weapon which each alike claimed the right to wield, and wielded in their day of power. Sir George obtained for himself and his heirs lordship over an immense tract of country which he called the *Province of Avalon*, from the ancient name of the place in which it is said that

Christianity was first introduced into Britain. In extent it equalled a principality, and embraced the fairest parts of the island.

To the patent conferring this royalty, was added a grant of all islands lying within ten leagues of the eastern shores, together with the fishing of all kinds of fish, saving to the English the free liberty of fishing, salting, and drying of fish. To take possession of this valuable inheritance, a large number of persons was sent out by the grantee, under Captain Wynne, who was furnished with a commission as governor of the settlement. Considerable expense was incurred in providing this expedition with all things suited to the requirements of an unpeopled and uncultivated region. The locality of the plantation thus favourably introduced was Ferryland, on the eastern coast, about forty miles to the north of Cape Race, where the agent built what was considered a magnificent house. In the succeeding year the colony was reinforced by fresh emigrants, also well supplied with stores and implements, and in the autumn of the same year, a flattering account was sent home of the produce of the land under the first efforts at tillage.

Moved by these representations, and perhaps to avoid an anticipated time of trouble in England, Lord Baltimore, with his family, shortly afterwards removed to Ferryland, where he resided for some years under the protection of a strong fort which he had set up. But as neither the fort nor the presence of the proprietor could preserve the little colony from the insults of the French, his lordship, after inflicting chastisement on

these troublesome intruders, re-embarked for England, when he obtained from King Charles a grant which led to the more noteworthy settlement of Maryland, the principal city of which has handed the name of Baltimore down to posterity. He still professed, however, to retain his interest in the province of Avalon, and to exercise the right of government over it, by authority delegated to others. That rule appears to have fallen into abeyance afterwards, during the government of the Commonwealth and Protectorate ; and a renewal of the grant was applied for and obtained immediately after the Restoration of 1660. Either before, or somewhere about the time when Lord Baltimore took his departure from Ferryland and the community which he had located there, Viscount Falkland, the Lord-lieutenant of Ireland, sent out a number of emigrants from that country, to increase the scanty population of Newfoundland : and in 1654, Sir David Kirk, with the sanction of the Parliament, introduced another body of settlers. It is probable that two of the facts just noticed, the planting of a colony by Lord Baltimore and the sending out Irish settlers, contained the origin of a peculiarity which distinguishes this British possession from the other American dependencies of the Empire. At the present day it includes a larger portion of the Roman Catholic element than is found elsewhere. The magnitude of this element in proportion to the population is doubtless due considerably to recent importations from Ireland, and also to the proselytising zeal and efforts of the priesthood. Still

there must have been a special motive impelling to these accessions, when account is taken of the more inviting fields that lay further west, and it is very likely that the ultimate cause is to be discovered in these migrations of the seventeenth century. It was a century in which religious feelings and convictions were among the strongest forces acting on men, often driving them to seek a home on distant shores. And of all religious feelings at that epoch, not the least intense was that of the Roman Catholics of England and Ireland, nor was it that which had the least to bear from the manifestations of stern, and sometimes turbulent public sentiment. It is more than probable, therefore, that as New England was an attractive Goshen, to reach which the liberty-loving Puritan braved the perils of the sea, so to the harassed Catholic groaning under the rule of what he considered an usurping and tyrannical Church, or suffering even harder measure at the hands of those by whom that Church was for a season overthrown, Newfoundland presented a refuge which, if bleak in its aspect, and imposing rude trials, yet was at least free from the insults directed against his faith in England, and the distractions and woes of the sister isle.

As far as can be ascertained in respect to the amount of the population (British) about the middle of this century, it is as follows: There are enumerated fifteen distinct settlements in different parts of the island: these were located principally on the eastern shore, St. John's of course obtaining the lion's share. There was also a little community in Conception Bay,

which had been conveyed thither by Mr. John Guy under the auspices of the company already mentioned as including Bacon amongst its promoters. On the whole, three hundred and fifty families are reckoned to have taken up their abode in the country. These formed the resident, or what was termed, the winter population. In addition, there was what might literally be called a floating population, embracing some thousands, who frequented the coasts during the summer for the sake of the fishery. Of these it may be regarded as certain—a conclusion confirmed by what was the tendency at a later period, concerning which we have more definite testimony, that many would annually remain allured by the tempting liberty to be enjoyed in such an abode. From this cause, and from natural increase, as well as from direct casual immigration, a body of inhabitants gradually grew up, to which Newfoundland was the only country and home.

At this point of the history, the questions naturally arise, what were the manners and habits of these early settlers,—under what rules did they live,—where did they find that centre of authority which has so prominent a place in the developement of civilised society, and which might be thought a necessity to men who had removed from the order of European civilisation to found a community in the wilderness? The answer to these enquiries is very unsatisfactory. But little information is to be obtained, and what is given presents but a painful picture of disorganised mis-rule. Newfoundland differed in this respect from the other transatlantic colonies, both French and

British. New France was a dominion that was directly governed by old France, which took great interest in its affairs; sending out its rulers, regulating the commerce of the people, aiding them to repel the attacks of their Indian enemies, and in many respects reproducing on the banks of the St. Lawrence a miniature representation of the features which characterised the parent-state. In New England and the other British colonies were rising communities of men, who, if they had fled from what they deemed too harsh government at home, yet had an exaggerated regard for government—who, if they were enamoured of liberty, also loved and revered order, and whose first care had been to set up and make authoritative the framework of legal ordinances and time-sanctioned customs to which they had been used in Old England. In these latter States, even in their infancy, were cherished a stern morality, a respect for property, and a severe dealing with offenders against the rights of either, which are considered among the most valuable characteristics of the Anglo-Saxon race.

In Newfoundland the case was otherwise. It was a country which, if claimed by England, yet was little esteemed for its own sake. What was chiefly prized was the abundant supply of fish which migrated to its shores, and the employment which the taking of the fish afforded to thousands of hardy seamen, who might be relied on for the national defence; and even the latter recommendation did not long receive the appreciation which it deserved. The country

itself was viewed as a royal estate, out of which grants might be made to enthusiastic adventurers, who obtained the favour of the sovereign—new favourites procuring fresh grants which not unfrequently omitted to take account of the boundaries of those previously made.

The persons who had the greatest interest in the country and who understood it best were the merchants and shipowners of the west of England, who organised and found their advantage in fishing expeditions. And these looked with no desire to the settlement of the land. It suited them better to send their agents and servants in the opening of the spring to take possession of the stages, flakes, cook-rooms, &c., which had been left at the close of the preceding season—to employ these in the salting and curing of the fish as it was caught day by day—and when the approach of the fall denoted that the voyage was over, to collect the spoil, and re-embark with all that had been employed, leaving a coastal desert behind them, until summer returned, when they hoped to find their shore appurtenances in the same state as when forsaken in the previous year. But this selfish, narrow feeling could not be fully gratified. People would settle on the land—the number of these residents augmenting year by year; and as they were regarded as interlopers by the traders in England, and were made of scarcely any account by the government, they grew up without authoritative regulations, each man being a law to himself, and doing what seemed good in his own eyes.

At length an attempt was made to rectify or, at least, to ameliorate this state of things. In the year 1630, a commission\* was issued by Charles I. for the well governing of his subjects inhabiting Newfoundland, or trafficking in bays, creeks, or fish-rivers there. The document proceeding from this commission, teaches us by implication, that previously the said subjects had been very ill-governed, or rather, had not been governed at all. The preamble states as a reason for issuing the ordinance, that ‘some of our subjects of the realm of England, planting themselves in that country (Newfoundland), and there residing and inhabiting, have imagined that for wrongs and injuries done them either on the shore or on the sea adjoining, they cannot be here impeached; and the rather for that we, or our progenitors, have not hitherto given laws to the inhabitants there, and by that example, our subjects resorting thither injure one another, and use all manner of excess, to the great hinderance of the voyage and common damage of this realm : for preventing such inconveniences, &c.’ The principal clauses in this manifesto show that it was issued more in behalf of those who engaged in the fishery, than for the benefit of the inhabitants of the country. Severe prohibitions are laid down against the destruction of any of the stakes, fishing stages or any other property employed in the trade, whether during the season or in the winter in the absence of the English fishermen. One of the

\* See Appendix No. 2.

greatest evils recognised is the demoralising extent to which intoxicating drinks were used, and it is forbidden to set up taverns for the selling of wine, beer, strong waters, and tobacco. But in the reason given for this restriction, more weight is attached to the interests of the fishery than to the virtue of those exposed to the temptation. One clause refers to more serious crimes: any person accused of maliciously killing another, or *stealing to the value of forty shillings*, was to be brought to England, tried, and if convicted (whether of murder, or of stealing to the amount mentioned) was to be hanged. What is curious about this document, as throwing light on the jurisprudence of less than two centuries and a half ago on these matters is, that the *mayors* of Southampton, Weymouth, Melcombe-Regis, Lynn, Plymouth, Dartmouth, East-Loo, Foye, and Barnstaple were to take cognizance of all complaints against any offender for crimes committed on the soil of Newfoundland.

A large amount of interest was felt in England towards that country subsequent to the commission of Charles I. In 1663, it was ordered by authority that owners of ships should not carry in their vessels any other persons than those to be actually employed in the fishery and the officers of His Majesty's Customs, which regulation at once implies that colonisation was discouraged, and that some duties were levied on the produce of the seas. Some time later, on the suspicion that efforts were being made to procure a governor of the island, a strong opposition to the measure was brought forward by the western mer-

chants; yet, within a few months afterwards, the same merchants, fearing lest the estate which they would so jealously confine to themselves should fall into the hands of the French, are found petitioning that some person in the position of governor should be sent out with guns, arms, ammunition, and other materials necessary to fortify some of the harbours. The report, which was confirmed by the king, in answer to this petition, was to the effect that no person in the position of governor should be sent out, but that 'the captains of the convoy ships should be empowered to regulate abuses.' The next year (1670) rules were issued by the Lords of the Council in reference to the fishery. One of these required that every fifth man carried out in the ships should be a *green* man, that is, not a seaman—a stipulation which evidently showed that the voyage was regarded as a nursery for the training of new hands to the sea, with a view of enlarging the materials from which the navy was drawn. Another of these rules was, that no fisherman should remain behind after the fishing was over for the season; to give further effect to which proviso, it was enjoined that masters should give bond of a hundred pounds to the respective mayors of the western towns to bring back such persons as they took out, or employed in carrying fish for the market voyages.

In 1674–5, the question of the appointment of a governor was again brought forward, and was considered by the Lords of the Committee for Trade and Plantations. A petition having been presented, asking

for the settlement of such an authorised rule, was again met by a protest from the merchants and owners of ships in the west of England. This protest they enforced by what professed to be grave and patriotic reasons. The fishery had been failing for some years — it had entailed on them, the merchants, great losses — the country was not fit for a colony by reason of the infertility of the soil and the rigour of the climate; — if made a colony, it would injure his majesty's revenue; — there was no need of a governor as respected any defence against foreigners, the coast being defended in the winter by the ice, and in the summer by the resort of the king's subjects, &c., all which reasons, it is plain, were subordinated to one in the minds of the protesters, which is not, however, mentioned in their pleading, viz.: — that it suited them to have the fishery to themselves, free from any legal supervision and control.

But how one-sided soever these representations were, they attained the object for which they were urged; for their Lordships, after considering them, proposed, 'that all plantations in Newfoundland should be discouraged, and, in order thereto, that the commander of the convoy should have commission to declare to all planters to come voluntarily away; or else that the western charter should from time to time be put in execution: by which charter all planters were forbid to inhabit within six miles of the shore from Cape Race to Cape Bonavista.' \*

\* Reeves' *Newfoundland*.

It is well observed by Chief-Judge Reeves—‘ In surveying these transactions, we plainly discover the two contending interests in the Newfoundland trade; the one, that of the planters and inhabitants, the other, that of the adventurers and merchants, and we shall see that according to the views of these different descriptions of persons, representations were at various times made to the Government at home for promoting or otherwise, regulations and establishments in the island.’

This controversy was carried on with increasing earnestness and acrimony during many years. Effectual answers were furnished to the representations of the merchants, by Sir John Berry, and Sir William Pool, His Majesty’s commanders of convoy ships. Their evidence was given in reply to specific enquiries addressed by the Committee of Council for Trade, and it went far to exculpate the planters and resident population from the charges brought against them, and to vindicate the necessity for some organised system of government in the island. A further appeal was presented by the merchants, testifying that former rules of the Council were being disregarded, that in spite of them, passengers and private boat-keepers were allowed to transport themselves to the detriment of the fishery. This representation was followed by a rejoinder in the shape of a petition on behalf of the inhabitants of Newfoundland, praying that nothing might be ordered to their prejudice. To bring this matter into full discussion, it was ordered by the king that both the adventurers and planters

should be heard by their counsel. ‘ And thus was the question of the convenience and inconvenience of a colony solemnly argued at the council: after which, it was referred to the committee for trade to propose some regulation between the adventurers and planters, which might consist with the preservation of the interest of the Crown, and the encouragement of navigation and the fishing trade.’ \*

One other element affecting the developement of Newfoundland during the seventeenth century remains to be noticed, and that is, the presence and encroachments of the French. It has been stated that from the time of the discovery of the island, they had discerned the value of the fishery, and availed themselves of it to an equal, or even greater extent than the English. The commercial enterprise of the people of Bordeaux, Rochelle, Nantes, Havre, Dieppe, and other maritime towns, conveyed great numbers annually across the ocean to engage in an employment which yielded a rich reward to bold and thrifty industry. With the possession of Cape Breton, Acadia, and the vast regions stretching from the gulf of the River St. Lawrence, and the mighty lakes, Newfoundland obtained a new value in the estimation of the government of France, as it formed one side of the narrow entrance to its transatlantic dependencies: consequently the pursuit of the fishery by its seamen was encouraged, and every opportunity was improved to gain a footing in the country itself. This encroaching

\* Reeves.

tendency could not, however, be manifested without a protest on the part of the somewhat sluggish English, both by private individuals, and by the Government. Charles I., who, with whatever faults have been attributed to him, yet, like his unhappy son James II., had the national virtue which led him to cherish the naval greatness of his country, imposed a tribute of five per cent. on the produce taken by foreigners in this fishery, to which exaction, the French, as well as others, were forced to submit. During the distracted time of the Commonwealth, it does not appear that the struggling Government at home found leisure to attend to these distant affairs, though the tribute continued to be levied. The Restoration brought to England a sovereign who owed much to the monarch of France, to whom he was therefore attached by the ties of gratitude, and by the desire to find a counterpoise to the refractory disposition of which he was in continual apprehension among his own subjects. It was not until 1675, that Louis XIV. prevailed on Charles to give up the duty of five per cent., and by that time the French had obtained a solid footing on the southern coast of Newfoundland, so that, with Cape Breton in their possession, they commanded both sides of the Gulf of St. Lawrence. Over a territory of some two hundred miles in extent, belonging to the British sovereignty, they had built up imperceptibly an almost undisputed dominion. At Placentia, situated in the bay of that name, a strong fort was erected, sustained by other forts standing at intervals along the shore, and at the same place, a royal

government was established. How real was the authority assumed, and how completely was the English sovereignty ignored, needs no better proof than is furnished in an ordinance issued by Louis in the year 1681, concerning the marine of France. In this State paper, Newfoundland is reckoned as situate in those seas which are free and common to all French subjects, provided that they take a license from the admiral for every voyage. It also contains regulations for the masters of vessels as to their conduct on the shore, fixing after what order each shall choose his own piece of ground, and also what marks he shall set up, in token that he has so taken possession. There are other sections in this elaborate ordinance which evince that the aim of the Government, besides securing a valuable field for its commercial marine, and fortifying the gates leading to its larger western territories, was to foster the elements of a naval force, which might be employed for the general purposes of the State.

Thus that period which is regarded as among the most humiliating in the annals of our nation,—when the king was a pensioner of France, and his ministers received bribes from the same quarter, witnessed the partial sliding under this alien power of the most ancient of the colonial possessions of the Crown. Not less than half of the inhabited coast of Newfoundland was thus taken under that despotic rule, which, while swaying the councils of England to the furtherance of its ambitious designs, was labouring for the subjugation of the European continent. The revolution of

1688 broke the spell of this encroaching autocracy, and while it tore from around Britain the fetters of a shameful yoke, afforded a breathing time of hope to the other kingdoms whose independence had been imperilled and attacked. How King William rendered abortive the efforts of the French monarch to sustain armed rebellion in Ireland—how he succeeded in forming a league in which Protestant Holland and Catholic Austria, and even the Pope himself, were combined to limit the ambition of France — how he was further successful in forcing from the royal patron of James a recognition of his own title as king of England: these are facts which belong to the general history of Europe. The present work is concerned only to notice the effects of the Revolution on the position of Newfoundland as a portion of the dominion transferred by that event, from the House of Stuart to the Prince of Orange and the House of Brunswick.

King William was so absorbed in domestic matters, and in the warlike struggle of the Continent, that we should scarcely be surprised to learn that he did not pay much attention to the affairs of this distant and obscure province. Yet we find that in his declaration of war against the French, Newfoundland holds a prominent place in the grievances which led to the adoption of that measure. The following are the terms in which the grievance is stated:— ‘It was not long since the French took license from the governor of Newfoundland to fish upon that coast, and paid a tribute for such licenses as an acknowledgement of

the sole right of the crown of England to that island ; but of late, the encroachments of the French, and His Majesty's subjects trading and fishing there, had been more like the invasions of an enemy, than becoming friends who enjoyed the advantages of that trade only by permission.\*

In the above extract, the tribute referred to is evidently the five per cent. duty imposed by Charles I., and the term 'governor' must be taken as denoting the commander of convoy ships, in whom was vested the only shadow of governmental authority exercised in the island.

But, as it often happens in affairs of war and diplomacy, that the country which figures prominently in angry controversy and in justificatory manifestos occupies the smallest place in the transactions arising out of these, so in this case, Newfoundland was no part of the battle-field inaugurated by the foregoing declaration. In that, Beachy Head, La Hogue, Dunkirk, and Namur, are the names significant of the posts of fiercest contention. Still, Newfoundland did not escape the sweep of the storm whose turbulent centre was in Europe. The French government at Placentia seems to have had the clearest perception of the interest which the country had in the dispute, and to have been stimulated to preparation against contingencies by the parent authority. In 1692, the garrison sustained an attack on the forts by an English squadron, which it forced to withdraw after a

\* Copied from Anspach's *History of Newfoundland*.

fruitless bombardment. In 1696, the Chevalier Nesmond was ordered with a fleet of ten sail, reinforced by other ships from Rochefort, to undertake a great mission in the West, the first part of which was to drive the English out of Newfoundland. His attack on St. John's, however, was doomed to be a failure; but shortly afterwards, another attempt, with fairer prospects, was made. This time, the assailants were under the command of Brouillan and Ibberville,—the latter being at the head of a Canadian force. Before this combined assault, St. John's fell—and its fall was followed by the surrender of nearly the entire English settlements. Bona Vista and Carbonier are said to have been the only places that remained inviolate. The latter was a village in Conception Bay, situated in a commodious fishing harbour. It was inhabited by descendants of the body of emigrants introduced by Mr. John Guy at the commencement of the century. To these, though few in number, belonged the pre-eminent strength and courage which enabled them to maintain their English allegiance at the time when it was dissolved everywhere else.

It was not to be expected that the English Government, even under the pressure of greater matters, would submit to this conquest of its earliest field of discovery, especially when the French encroachments on it had been put forth as one of the moving occasions of the war. Attempts were speedily made to dislodge the invaders, which, if not very successful, were the harbingers of stronger attacks which must

have led to this result; and probably to the complete expulsion of the French from the island. But all preparations and operations to this end were brought to a close by the treaty for a general pacification, signed at Ryswick, in 1697. That treaty, whatever other advantages it may have given to England as a recompense for the sacrifices made in a costly struggle of nine years' duration, left the affairs of Newfoundland in the same state as when the strife began; that is, the point in which the island was concerned in the dispute, and which at the outset had been alleged as a reason for hostilities remained without any settlement at all. The French gave up their conquests, but retained the territory which they had previously appropriated in the south-west, though for their hold on it, they had no more formal title than they possessed before.

## CHAPTER III.

1697-1728.

THE thirty years which succeeded the treaty of Ryswick formed a period of sad disorder to the island of Newfoundland. Its distractions arose partly from the frequent attacks of the French, who seemed never weary of harassing the settlements, sometimes effecting only hasty and wanton damage, sometimes holding the conquests they had made, in all manifesting the undeviating purpose to obtain, if possible, in this country a solid compensation for their humiliations and losses elsewhere. Another source of trial and disorder was found in the absence of definite rules, or supreme authority for the government of the people and the regulation of their various interests. This latter was a defect which, with the increase of the population, the extension and complication of the trade, and the interruptions from foreign invasion, was a growing evil, and it became at length so inconvenient that in 1728, an attempt was made to rectify it by the appointment of a person partially invested with the authority and functions of a Governor.

To present a brief sketch of the causes which led to

this step, and of some of the events of this troublous time, is the object of this chapter.

The respite afforded to Louis XIV. by the pacification of Ryswick, was employed by him for the furtherance of other political designs which brought about another and a greater embroilment in the affairs of Europe. The death of the king of Spain, who left a will by which the Duke of Anjou, second son of the Dauphin, was declared sole heir of the Spanish Monarchy—an assignment which was attributed to the intrigues of France, was an event producing great excitement among the nations who dreaded the aggrandisement of the latter power, and provoking the bitter hostility of England. Before the war broke out (though engagements in preparation for it had been made) King William died, his sudden removal causing a loss of incalculable importance to the Anti-Gallic confederacy.

The carrying on of the contest passed, so far as Great Britain was concerned, into the febler hands of Queen Anne. Yet the enemy derived little advantage from the change. For it was under this female reign that Marlborough dealt out to the French monarchy such strokes of disaster and shame as brought it to the verge of ruin.

While this gigantic struggle was going on in the world, Newfoundland, the distant frontier to the transatlantic possessions of the two principal powers engaged in it, was the scene of a chequered strife. It has been shown in the previous chapter that while the English held the eastern and north-eastern coast

the French occupied the southern border including the Bay of Placentia, and stretching to the entrance of the Gulf of St. Lawrence. It may be added also that they freely exercised the privilege of fishing along the Gulf shores and around the northern part of the country. For several years each of the rival occupants was employed in endeavours to effect the expulsion of the other. At the opening of the war in 1702, Captain Leake received instructions from the Lord High Admiral to proceed with a small squadron to Newfoundland, for the purpose of taking possession of the whole island: at least so far as this could be effected by inflicting injuries on the enemy.

This commission he appears to have pretty completely executed, destroying the French settlements at Trepassey, St. Mary's, Colinet, Great and Little St. Lawrence, and also seizing upon and dismantling the fortified island of St. Pierre. After these exploits, he returned to England as protector of the homeward-bound ships, and taking with him twenty-nine sail of the enemy which he had made prizes. The brief accounts which have come down of this transaction leave it to be supposed that the French were still left in possession of the town and fort of Placentia. The following year the Admiral Graydon appeared off the coast, with instructions to attack this strong place and to force the enemy to quit the country altogether. Finding himself beset with difficulty arising from an unusually dense fog, the admiral called a council of war, to decide on the feasibility of the enterprise. The unanimous opinion of the council was, that to

make an attempt on Placentia with the ships and forces in the condition in which they were, was altogether impracticable, and, instead of any probability of success, might tend to the dishonour of Her Majesty's arms. After this decision, the squadron returned to England, thus ingloriously terminating an expedition, which, contrasting with successes that were being achieved nearer home, drew on the commander the censure of his countrymen.

This failure emboldened the French to become in their turn the aggressors, and to make strong efforts to acquire domination over the whole island. From its contiguity to other colonies of the same nation, the garrison at Placentia could be easily reinforced, whether for the purpose of strengthening the defences of the place, or of engaging in external operations. In 1705 a large body of Canadians joined the fort. About four hundred of these were forwarded with the war-vessel 'La Guesse' to Petty Harbour, about nine miles from St. John's, whence they made a strong attack on the forts of the capital, but failed to take the city. But if thwarted in this object, they acted as conquerors everywhere else—ravaging the villages, taking captive the inhabitants, and committing devastation along the whole coast, as far as the English plantations extended. By this daring enterprise, the people of St. John's were completely isolated, and kept in ignorance of what was going on in the other settlements until beyond Mid-summer 1706, when a report was brought that the French were fishing in the harbours to the northward,

under the protection of several vessels of war. Fortunately, there were in the harbour of St. John's at the time, Captain Underwood, of the queen's ship, the 'Falkland,' and Captain Carleton of the 'Non-Such.' These, moved by a petition from the merchants, ship-masters, and the inhabitants generally, set forth for the protection of the British trade. They were accompanied by Major Lloyd who, with a portion of his troops, volunteered to go on the expedition. It was attended with triumphant success. This small force did its work so effectually, as, after searching the whole of the shore, and destroying the French equipments for the fishery, to make prizes of six out of the ten armed vessels of the enemy.

Still, whatever glory was acquired by Captain Underwood from this cruise, the occasion which called for it, and the circumstances in which it left the country, were very humiliating to Englishmen, and were so felt throughout the nation, and this the more, as contrasting with the triumphs of its arms on the continent. In 1707 the feeling found vent in the House of Commons, which complained in strong terms of 'the great declension of the British interests in, and lucrative trade to, Newfoundland'—and resolved that 'an humble address be presented to Her Majesty, that she will be graciously pleased to use her royal endeavours to recover and preserve the ancient possessions of trade and fishing in Newfoundland.'

Any strong action, which may have been intended to follow from this resolution, was too late to prevent a disgraceful catastrophe. At any rate, such action

was anticipated by the swifter and bolder measures of the French. In the mid winter of the following season, on New Year's Day, a time when warlike movements might have been deemed impossible, a force proceeded from Placentia, and landing without opposition about fifteen miles from St. John's at once marched into the town, which, the garrison being utterly unprepared for such an attack, was immediately taken, and soon afterwards the forts were dismantled, and most of the houses destroyed. After the success of this audacious enterprise, an attempt was made to take Carbonier in Conception Bay, which, as on a former occasion, was the only town in which the English authority was maintained. Again the attempt was baffled; this time from want of proper concert between the parties employed in the expedition, one of which, however, destroyed all the erections and other property within their reach.

While these events were going on, stern winter brooded over the land, and prevented any communication with the mother-country. But when, in the spring, news of what had occurred reached England, bitter feelings of indignation and shame were aroused. Pamphlets issued from the press, expatiating on the dreary disaster. The Government was memorialised with as passionate an eagerness as if the right hand of the British navy and British commerce had been cut off. And indeed, all this wrath and sorrow, if exaggerated, as is too often the case in our national moods of excitement, were provoked by a serious occasion. Newfoundland was for the time being lost

to the country, and in the hands of its enemies. The merchants interested in the commerce of Spain and Portugal and Italy found their trade suddenly crippled to a considerable extent. These were facts which envenomed the sting inflicted by the insignificant means that had sufficed to ravish the earliest dependency of the Crown.

To overcome these reverses, and to recover the spoil, great preparations were made, in which Newfoundland only entered into larger schemes directed against the whole of French power across the Western Ocean. As the result of these plans, Port Royal in Nova Scotia (Acadia) was taken from the French, and its name changed to Annapolis, in honour of the Queen.

An abortive attack was made on Quebec. One also was concerted against Placentia, but, from want of bold decision in the council of war, came to nothing. For several years the French retained peaceful possession of Newfoundland.

The question of holding the island, however, depended less on the issue of the petty conflicts which took place within its borders, than on the general result of the war in Europe. This was sadly against the French. Louis XIV. was compelled to see his influence diminished, his territories narrowed, his fortresses taken, and, altogether, he had sunk so low in resources and in the position which he held in the world, that he was glad to enter into terms of peace, though such a boon was certain to be purchased at a considerable cost of dominion and of humiliation to his pride. The English people were almost as

eager for the establishment of peace. Wearyed with the burdens of the war, satiated with its glories, distracted with political faction, and menaced by the danger of rebellion on behalf of the exiled dynasty, they were ready to acquiesce in liberal terms to France, so that the contest might be brought to an end. With these dispositions prevailing on both sides, a pacification was signed in the instrument so well known as the ‘Treaty of Utrecht,’ a treaty the provisions of which have been subjected to severe censure, as conceding too much to the French, and sacrificing the principal object of the war. To a certain extent the censure is just, but the apology for the fact is to be found in the characteristic disposition of the British people, an unwillingness to press hardly on an enemy whom they have humbled in the field, and this was the case with France and its haughty prince.

The treaty produced considerable changes in the North American colonies. Nova Scotia was finally annexed to the English dominion, while Cape Breton was confirmed to the French; the latter provision exciting bitter comments in the neighbouring dependencies of England. But the settlement of the position of Newfoundland formed the principal point in this negotiation, and it was declared that the whole country with the adjacent islands should belong, of right, only to Great Britain,—that the town and fortress of Placentia, and whatever other places were in the possession of the French, should be given up; that neither the most Christian king, his heirs and successors, nor any of their subjects, were at any time to

lay claim to any right to the said island and islands, or any part of them; but it was to be allowed to the subjects of France, ‘to catch fish and to dry them on the land, in that part only, and in no other besides, of the said island of Newfoundland which stretches from the place called Cape Bona Vista to the northern part of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche.’

The establishment of this treaty formed the third phase in the position of Newfoundland, and its relation to Great Britain since its first discovery. For a long period the right of England over that country was assumed as entire, and as embracing indefinitely the surrounding seas frequented by the cod fish. Then the French, by gradual encroachments, availing themselves of the privilege of fishing in the waters, took possession of part of the coast, set up a government whose seat was defended by fortifications, until at length they assumed jurisdiction over one half of the island, and for a brief season obtained by conquest possession of the whole. By the treaty of Utrecht, Great Britain was solemnly confirmed in the exclusive sovereignty of the entire territory; but the French were recognised as having the right of fishing concurrently with the English along certain portions of the shore, and the use of the shore so far as was needed for the prosecution of their fishery. This latter was a very important concession. For the coast thus surrendered, to what had lately been an inimical and must always be a rival power, contained two-

thirds of the eastern shores, the whole of the northern, and one-third of the western, of a very extensive and important possession of the British Crown. A difficulty subsequently arose as to the proper interpretation of the treaty—the boundary, Point Riche, being so little known as to cause a dispute in reference to its local position; the French asserting, on the authority of a single map, that it was identical with Cape Ray in the extreme south-west; the British declaring, on more extensive testimony, that its place was nearly three degrees further north, an important difference, as it involved about a hundred and eighty miles of coast, including valuable harbours. This was a dispute, however, which did not come up until a long period after the treaty, and, therefore, its settlement must be left to be accounted for in its proper place.

There can be no doubt that, considering the relative position of the parties concerned, the French obtained the advantage in the treaty of Utrecht. They had been the losers in the war—a contest which had been provoked by their ambitious designs on the independence of nations. Peace had become a matter of absolute necessity to them to save the kingdom from ruin. It is unquestionable that if the British Government had pushed the superiority which they had achieved by victory and success, they might have dictated their own terms, and have excluded their late enemy from all right either in Newfoundland or Cape Breton. But, as has been said, magnanimity and generosity prevailed in the councils of the triumphant

side. Had it been otherwise, it is probable that it would have been better for Newfoundland, and have saved the mother-country many a difficulty and much burdensome expense. Then the colony would have escaped petty disputes which are continually arising even to this day; its fishermen and merchants would not have had to sustain such a powerful rivalry in foreign markets, and the trade might have been preserved from the fear, now often expressed, of a diminution and failure in what once was deemed an inexhaustible mine of piscatorial wealth. Nor, perhaps, would the advantage have been less to the home interests and people of England if her rulers, a century and a half ago, had made a more high-handed use of the power which Providence had given them, to secure exclusive possession of these shores and seas. In them France has found the principal nursery for that fleet which now and again occasions a sometimes ignoble panic in respect to the maintenance of our naval supremacy. But for the increase and the training of seamen promoted by the enjoyment of the free use of these western fisheries, Englishmen might have smiled serenely on the offensive fortification of Brest and Cherbourg, or rather, the Brest and Cherbourg of to-day would not have existed to provoke either their apprehensions or their smiles.

The internal arrangements affecting the people interested in Newfoundland, whether as settlers or as engaged annually in the fishery, during the period of the war with France, and in subsequent years until

1728, are of some importance, though presenting a picture of a social condition which it is not very inviting to review. The close of the seventeenth century was signalised by the enactment of a law well known in the history of the colony, as the Statute of William III. A brief examination of that law, and of the mode of its operation previous to the issuing of other regulations, will throw some light on the state of the country at this time.

The preamble to the statute affirms the value to Great Britain of this part of her dominions, and asserts the free and extensive right of all her subjects to fish in the waters, and to make use of any part of the shore for the furtherance of the fishery. The tenor of the various sections of the Act plainly shows that its great object was to consult the interests of the trade as prosecuted by adventurers from the old country. The next object being to make the fishery contribute, by the training of seamen, to the materials for the naval defence of the nation. The inhabitants are referred to, all through, as existing only by tolerance, enjoying such privileges as could be spared after full provision being made for more favoured parties. The most convenient parts of the harbours and coves are supposed to belong to the fishing ships. On these chosen spots the owners of the vessels had the right to erect stages, flakes, cook-rooms, train-vats and other needful appurtenances, which they could use during the season, and then leave standing, to be found uninjured when the fishing time came round again. Section V. enacts that every such inhabitant as since

1685 has taken possession of any stage, cook-room, beach, &c., for taking bait and fishing, or for the drying, curing and husbanding of fish, shall forthwith quit and leave these to the public use of the fishing ships arriving there. The next section declares that no inhabitant shall take up any beach or place, until all such ships are provided for. The harshness of these rules is somewhat modified in the seventh clause by a proviso, that all such inhabitants as since 1685 had built (unchallenged by fishing ships) any houses, stages, cook-rooms, &c., should enjoy the same without disturbance. Section IX. requires that 'all masters of fishing ships shall carry with them one fresh man that never was at sea before, in every five men they carry:' but that every inhabitant or by-boat-keeper (persons who went out to keep boats for a fishing voyage) should have 'at least two fresh men in six, viz. one man that hath made no more than one voyage and one who hath never been to sea before.' Other clauses in this Act forbid wanton injury to be done to the woods around the fishing harbours; regulate the conduct of the fishermen towards each other, and in regard to the baits, nets, *saynes*, &c., employed in the craft, and make provision for the decent observance of the Lord's-day by all classes of the people. But the most important part of this ancient statute, as dealing with the matter of greatest necessity, respected the executive authority, by which these rules, or indeed any laws whatever, were to be carried out. As bearing on this point there are two sections in the Act. The thirteenth, acknowledging the frequent failures

which had attended the bringing of criminals to justice, because the trial of such offenders had been adjudged in no other court but before the Lord High Constable, or Earl Marshal of England, provided for the more speedy and effectual punishment of such offenders by ordering that they might be tried at the usual assizes in any shire or county of the Kingdom of England. Thus, notwithstanding this improvement, persons accused of any theft, robbery, murder, or other felony, had the prospect (comfortable if guilty, dreary if innocent) of a voyage of two thousand miles before their guilt or innocence could be proved.

The most remarkable clause in the Act, as denoting the only local government in the island, remains to be noticed. Section IV. says that the master of any such fishing ship from England, Wales, or Berwick, as shall first enter any harbour or creek in Newfoundland, shall be Admiral of the said harbour or creek during the fishing season, and that the master of any such second ship shall be Vice-Admiral of such harbour or creek, and that the master of every such fishing ship next coming shall be Rear-Admiral of such harbour or creek. The first of these chance Admirals was to have the privilege of choosing and reserving to himself so much beach or flakes, or both, as was needful for his own use in the voyage. In Sections XIV. and XV. it is enacted that these Admirals shall see to the execution of the rules of the statute — shall keep a journal of all things relating to the fishery, to be presented to the Privy Council, and shall authoritatively determine all differences between masters of

fishing ships and the inhabitants, the latter having the power of appeal to the commanders of His Majesty's ships.

Such was the sole local tribunal existing in Newfoundland in those days. The skipper of the first vessel which the favouring winds blew into any harbour, how rude soever and ignorant he might be, as rated according to the standard of a rude and ignorant class, was to be the final judge of controversies affecting an important trade, and the interests of hundreds of people. A man himself engaged in the fishery was to decide on questions of *meum* and *tuum* among those who were his competitors in the same employ: one who was an alien to the country, visiting it only for a season, was to dispense justice between a people born in the land and other persons whose position, whose prejudices, and whose interests were identical with his own. It is easy to anticipate that such a legal provision would work but ill, even in the time in which it could be put in force; but its greatest defect as respected the inhabitants of the island was, that for the greater part of the year, it necessarily sank into abeyance. When the autumn came, the Admiral, with all his belongings and all his associates, quitted the shores to spend the long winter in England, leaving behind them growing communities of people, who, during the same winter, were without work and without law, and among whom, unless they were exceptions to the ordinary character of human nature, disorder and crime could not fail to abound.

The state of the country for many years subsequent to the passing of this statute, served to show how liable its enactments were to abuse, and how insufficient to meet the evils and the wants for which it had been provided. In answer to *heads of enquiry* given in charge to the naval commanders or other persons under the authority of Government, representations were made of the ineffectiveness of the late law, both for the regulation of the fishery, and the proper government of the people. From these representations, it appears that the fishing admirals almost entirely neglected to keep a journal such as they were under obligation to furnish, perhaps in most instances for the very good reason that their literary attainments were inadequate to the performance of such a simple task. They arrogated to themselves privileges in the several harbours beyond those that were allowed them in the Act. They received bribes of fish as the price for giving a favourable decision in disputed matters to those who had the prudence to pay this pecuniary homage to the investiture of a little brief authority. As to the clause empowering the inhabitants to appeal from their decrees to the commanders of the royal ships, this was in most instances of no effect, because in the majority of harbours there were no such commanders, and where they were, in some cases, these commanders were accused of engaging in the fishery for themselves, thereby becoming affected by the same motives as the admirals.

The pervading tenor of these representations goes to

show how the inhabitants were at the mercy of the adventurers and merchants engaged in the trade. The latter were the importers of all articles of domestic necessity, as well as of such as were requisite for the prosecution of the voyage. These they gave out on their own terms, encouraging the poor planters to get into their debt, knowing they would be reimbursed from the produce of the season. In the course of time it happened that the same planter or shore-fisherman was indebted to several merchants, when the agents of the latter, each anxious to secure his own, furnished occasion for such a picture as the following, taken from the report of Mr. George Larkin in 1701:—

‘Debts used not to be paid till August 20; but for two or three years, the flakes had been stript by night, and the fish carried off in June or July, without weighing. A second had come and taken it from the first; the planter had had twenty or thirty quintals of fish spoiled in the scuffle, and the rest of his creditors were forced to go without any satisfaction. The poor fisherman who helped to take the fish, had on these occasions gone without a penny—salt, provisions, and craft being payable before wages.’\*

For one of the evils produced by this mercantile monopoly, an irregular mode of redress was partially obtained by the natural operation of the law recognised in political economy. The profits of the traders were so enormous, and pressed so heavily on the

\* Reeves’ *History of the Government of Newfoundland.*

people, that the sharp-witted men of New England discovered that Newfoundland afforded a capital field for carrying on a profitable, if illegal traffic. They imported flour, pork, tobacco, molasses, rum, &c., of which they made an advantageous sale to the planters, and on their return, often procured a further emolument by smuggling away many of the fishermen to their own shores where they were in great demand. Even the agents of the English merchants and the authorities in the harbours were charged with participation in this illegitimate commerce. From the correspondence of the commodores and commanders of the station with the Board of Trade, the following statement is taken as furnished by one writer :—‘ But what I would more particularly represent to your Lordships is, the clandestine and illegal commerce carried on between the *New England men*, and several of the British masters, especially the fishing admirals, who, after they have qualified themselves in England for fishing ships, depart for *France*, *Spain*, or *Portugal*, where they freight with wines and brandies, which early in the year they carry directly into Newfoundland in barter with the New England men for the produce of the plantations.’\*

The possession of Placentia and the adjacent coast, resulting from the Treaty of Utrecht, introduced new difficulties into the management of affairs. By the terms of the treaty that part of the island was ceded to the king of Great Britain in full sovereignty, the

\* Reeves.

French retaining only a license to go and come during the fishing season. Both the government at home and the parties interested in the trade, promised themselves great advantages from this acquisition. The former appointed a lieutenant-governor of Placentia, who was commissioned to survey the harbours and bays of the island : the latter presented solicitations to the Board of Trade, that the French might be strictly watched and kept to their limits. Soon, however, the ceded possession gave occasion for a question whether the statute of King William was applicable to the new territories, seeing that at the time of its enactment they were under the actual government of the French. The question had become a practical one ; for some of the French planters, on leaving the place, had disposed of their plantations for money — and thus had seemed to give a right and property, not recognised by the general usage of the island as confirmed by that statute. Their Lordships of the Board of Trade decided that the law of William III. extended to the ceded lands, and that all the beaches and plantations there ought to be kept for the public use, and be disposed of as directed by that Act. This question afterwards came up again, and was still further complicated by a special agreement made by Queen Anne with the King of France. In consideration of the latter releasing a number of Protestant slaves from the galleys, Queen Anne permitted the French inhabitants of Placentia who were not willing to become her subjects to sell their houses and lands there. Was this promise valid, so as to dispose of lands

which came to the Crown by treaty? The opinion of the law officer was against its validity — but suggesting such an arrangement as might enable the Queen substantially to fulfill her engagement without infringing on the law. Still the matter was left in a very unsettled and unsatisfactory state, and for years was the source of much discontent.

The difficulties and abuses referred to in the preceding paragraphs concerned chiefly the prosecution of the fishery, and the people of the country during the season when that employment was in active operation. But every year there was a long period when this was not going on ; when the admirals had left the stations—when the mercantile adventurers had returned homewards—when there was scarcely a ship to be seen in the harbours — when through dark dreary months the inhabitants were shut up, often within an ice-bound coast, and when all law and authority having ceased to exist, they were left to the unrestrained caprices and passions which are so rife for evil in the human heart, especially when associated with that ignorance which is the parent equally of abject superstition and lawless crime. When it is considered that, according to the testimony of a credible witness, the island had become at this time *a sanctuary and refuge for them that broke in England* — it may be readily imagined that during these wintry unoccupied intervals, disorder and wrong must have prevailed to a frightful degree. Indeed, this is the general purport of the evidence given of the period. Even the merchants in the west of England,

on being invited by the Board of Trade to communicate their thoughts as to what might be done for the furtherance of the fishery, recommended that the Commodore should have power to appoint judges and justices of the peace, to decide disputes between the inhabitants, and distribute justice among them during the winter season. This they thought would alleviate the misery of these unhappy people, which was great enough without additional evils from the anarchy in which they lived.\* These same advisers, however, could not refrain from indicating their concurrence in the prevailing idea of the class to which they belonged — that the quiet and harmony of the country would best be secured by there being no resident people in it, for they modestly suggest — ‘these poor people (about three thousand men, besides their wives and children), should rather be encouraged to settle in Nova Scotia — as they might be of service there, where inhabitants were wanted.’

Amidst all the irregularities noticed above, the incompetency of the persons to whom authority was intrusted, the frequent partiality and injustice of their administration, and the periodic intervals in which the laws were entirely in abeyance, there was a growing desire, increasing in the intenseness of its expression, for a more comprehensive, capable, and permanent form of government. For, strange to say, during these years of misrule, the population went on extending. Even during the troubrous times of

\* Reeves.

the war with the French, when the settlements were constantly either harassed by the apprehension of invasion, or actually suffering from that calamity—the tendency was rather to augmentation than diminution. And when that struggle came to an end, bringing results so favourable, and opening out such fair prospects to British interests in the island and its trade, the numbers induced to settle on its shores rapidly enlarged. From this fact the business which devolved on the admiral skippers became more complicated and onerous, and the insufficiency of their functions and capacities became annually more manifest. The most intelligent and faithful expounders of the evils and needs of the country were the commodores and commanders of the royal ships. These, with a few exceptions, seem to have had a clear discernment of the system, or rather, no-system of disorder and injustice which made this dependency to exhibit a blemish on the character of the British dominion, and they gave earnest expression to their convictions on the subject, sustaining their views by elaborate proofs to the authorities at home.

Nor were local efforts wanting to ameliorate the evil. Chief Justice Reeves states :— ‘In the year 1711 I find what is called *a record of several laws and orders made in St. John’s for the better discipline and good order of the people, and for correcting irregularities committed contrary to good laws, and Acts of Parliaments, all which were debated at several courts held, wherein were present the commanders of merchant ships, merchants, and chief inhabitants ; and witnesses*

being examined, it was brought to the following conclusion, between the 23rd day of August and 23rd day of October, 1711.' The Judge goes on to say concerning this extemporised court: 'Then follow fifteen articles of regulation that must have been very useful ; and it is worth considering whether such local legislature, which the people seem in this instance to have erected for themselves, might not be legally lodged somewhere for making bye-laws and regulations as occasion should require. The commander, *Captain Crowe*, presided at this voluntary assembly. His successor, it seems, followed his example, and held a meeting of the same sort. These assemblies were somewhat anomalous, a kind of legislative, judicial, and executive, all blended together; and yet, perhaps, not more mixed than the proceedings of Parliament in Europe, in very early times.'

Concerning the assembly thus described, it should be observed, that the date assigned to it is within the period when St. John's, and indeed, nearly the whole of the island, was in temporary possession by the French, which, while it accounts for the necessity for local action among the English residents and traders, also shows that the reins of subjection lay very lightly on the conquered people, leaving them free to pursue their accustomed avocations, and to make the best provision they could for the management of their social affairs.

After the Peace, which gave a great revival to the trade, and enhanced the prospective value both of the fisheries and of the island, the Board of Trade

sought more earnestly to obtain from its agents and from other sources information respecting the condition and the legislative wants of the colony. The substance of the reports from the former has been partially given in the foregoing narrative, and served to establish the necessity for the inauguration of some new system for the government of this possession of the Crown. Indeed, the existing state of things was such, that even those abettors of conservatism, the merchants in the West of England, cried out for an alteration. The subjects of their remonstrances, however, were not exactly those which have been recapitulated. They complained of the quantities of liquor and tobacco sold by the New England men, to the disadvantage of their own more legitimate traffic; — of the encroachments by the inhabitants on the harbours to the detriment of the fishing ships' rooms; — of the difficulties interposed to the prosecution of the fishery in what were called the French Ports; of military men engaging in the fishery, and of the commodores intermeddling with, and sometimes overruling, the decisions of the fishing admiral. As modes of redress for the evils and grievances set forth by them, their propositions were few and simple;—that none should be allowed to retail liquors but to their own servants; that the fishermen should be obliged to continue the work of fishing to a later day than had been hitherto practised; that the fishing admirals should have power to inflict corporal punishment on all persons profaning the Lord's-day, and all common drunkards, swearers, and lewd persons; that a

sufficient number of ministers should be sent to the principal harbours to instruct the inhabitants, and that they might be paid from England, the country being very poor.

In 1728 the station of Newfoundland was under the charge of a commodore, both disposed and qualified to enter thoroughly into the wants of the country, and to make adequate and effectual representations concerning them to the Government at home. This was Lord Vere Beauclerk, whose appeals led to such enquiries and discussions by the Board of Trade, as resulted in the decision that a governor should be sent out, commissioned to appoint justices of the peace, and to establish some form of civil government among the people who had settled in the island. At first, the new and honourable office appears to have been designed for Lord Vere Beauclerk himself ; but as this would have necessitated his lordship's vacating his seat in Parliament, it was concluded that a commission, with proper instructions, given to some one accompanying him, would serve all purposes. Eventually, Captain Henry Osborne, commander of His Majesty's ship the 'Squirrel,' received the appointment.

'The commission' given to him begins by revoking so much of the commission to the Governor of Nova Scotia, as related to the government of Placentia, or any other forts in Newfoundland : and then goes on to appoint 'Henry Osborne governor and commander-in-chief, in and over our said island of Newfoundland, our fort and garrison at Placentia, and all other forts

and garrisons erected and to be erected in that island.' It gives him authority to administer the oaths to Government, and to appoint justices of the peace, with other necessary officers and ministers for the better administration of justice, and keeping the peace and quiet of the island. But neither he nor the justices were to do anything contrary to the stat. 10 & 11 Will. III., nor obstruct the powers thereby given to the admirals of harbours, or captains of the ships of war. The justices were required to be aiding and assisting to the commodore, or commanders of the ships of war and the fishing admirals, in putting in execution the said statute. The governor was to erect a courthouse and prison ; all officers, civil and military, were to be aiding and assisting him in executing this commission. In case of his death, the government was to devolve on the first lieutenant of the 'Oxford,' the ship commanded by Lord Vere Beauclerk.\*

\* Reeves.

## CHAPTER IV.

1728—1763.

THE appointment of Captain Osborne as Governor of Newfoundland, with power to create justices of the peace, and to make other regulations for the government of the country, brought into discussion a nice point belonging to the British Constitution. His authority was derived simply from an order of the King's Privy Council. Now it happened that there was a code of rules already in force for the management of the fisheries, and providing certain functionaries for the carrying out of its enactments. These rules were contained in the statute of William III., a statute which had received the sanction of the Parliament. And the question arose whether the new order issuing only from the Privy Council was as valid and binding as an Act passed with all the legislative forms which the Constitution prescribes. This was a question which caused a great deal of angry controversy, and placed a host of difficulties in the way of the Governor and his successors. For the merchants interested in the fishery were more attached to the old law of William III. than to the new set of directions, which seemed in a measure to recognise

the country and the people of Newfoundland as a veritable portion of the dominions of the British Crown.

Captain Osborne on his arrival applied himself earnestly to execute the provisions of the commission which he had received. His first care was to divide the island into convenient districts, over each of which he appointed from the inhabitants of best character and standing such a number of justices of the peace and constables as were necessary. He also took steps for the erection of a prison and courthouse at St. John's, and a second prison at Ferryland. For the summary punishment of minor offences he caused several pairs of stocks to be set up. In reference to these measures he expressed the hope that they would be sufficient to remedy the great disorders which had so long prevailed. To meet the expense of providing the prisons, &c., he levied a rate of not greater than half a quintal of merchantable fish per boat, and half a quintal for every boat's room, including the ships' rooms of ships fishing on the banks that had no boats, with the like proportionate rate upon such persons in trade as were not concerned in the fishery; —this rate was for one season only.

This financial arrangement, with its provision for taxation, furnished a weapon of accusation which was quickly laid hold of by those who were opposed to the new *régime*. They appealed to the statute of William III., which declared the fishery to be free, and therefore not liable to any duties. The functions of the justices of the peace, too, soon came into collision

with those of the fishing admirals, which were affirmed to be not only of prior authority, but established originally with a weightier sanction. The Governor received memorials from the justices complaining that they were obstructed in their duty by the fishing admirals. ‘The admirals,’ they said, ‘told them they were only winter justices, and seemed to doubt the Governor’s authority for appointing them—alleging that the authority of the admirals was by Act of Parliament, the governors only from the Privy Council.’ So widely did this dispute grow, and so loud was the clamour on one side and the other, that a case was laid before the law officers of the Crown, for their opinion, first, as to whether the levying of a rate on the fishing boats and rooms was legal, and second, as to whether the justices of the peace had really any authority. On the first of these points, the Attorney-general gave it as his opinion that it was not legal to lay a tax upon fish caught, or upon fishing boats, but, as to provide a prison was a necessity, and therefore, a legal requirement on the people, the case might be met by laying a tax on the inhabitants, and not on the fish or fishing boats. On the second point, his opinion was, that the powers of the fishing admirals, as conferred by the statute of King William, were restricted to seeing the rules and orders of that Act strictly executed; and that the authority of the justices was good, as extending only to breaches of the peace; therefore the powers granted to the justices were not inconsistent with any of the provisions of that Act (stat. 10 & 11 Will. III); and that there was

no interfering between the powers given by the Act to the admirals, and those by the commission to the justices.

This legal opinion did not put an end to the disputes which had arisen between the rival functionaries and the parties supporting them. The contest was carried on for several years, representations and counter-representations being made on each side, nor was it permitted to cease until the adherents of the old system discovered that the Home authorities were determined not to withdraw the small measure of civil government which they had granted to the colony.

Yet the insufficiency of this grant gradually became more manifest, necessitating the extension of the powers and institutions of a local government. It had been provided that all persons chargeable with capital felonies should be sent over to England for trial. ‘In such cases,’ says Reeves, ‘the witnesses were glad to keep out of the way: the felon was sent to England without any person to prove his guilt; a great expense was incurred; justice was disappointed; or if the fact were proved, the poor witnesses were left to get back as they could, with the expense of the voyage and residence, and a certain loss of one season’s fishery.’ To remedy this failure in the administration of criminal law, the Board of Trade proposed in 1737 that there should be inserted in the Governor’s commission a clause authorising him to appoint *Commissioners of Oyer and Terminer*, before which felons might be tried within

the limits of the island. Many objections, however, appearing against such a change, it was not until 1750 that this fresh and important addition was conveyed in the commission issued to the Governor. Captain Francis William Drake was the first person invested with the additional authority, the restrictions attached to its exercise being, that he had no power for trying or pardoning treason; that no sentence (capital?) should be carried out until it had been reported to the king, and that the Court of *Oyer et Terminer* was only to sit when the Governor was actually within the limits of his government, or, in other words, not in winter; for the Governor was migratory, like the fishing ships, spending the summer season on the coast of Newfoundland, and the rest of the year taking his ease at home.

Previous to the institution of the Court above-mentioned, another tribunal had been established in the capital, the necessity for which arose out of the war between Great Britain and Spain. The squadron of the former power, under the command of Governor Byng, had not only effectually protected the coasts of Newfoundland, but had also been very successful in the capture of Spanish vessels in the neighbouring seas. So great was the number of these prizes, and such the expense of sending them home to be adjudicated on, that it was deemed advisable to set up a Court of Admiralty in St. John's. The first judge in this Court was William Keen, Esq., who, in addition to the duties thus imposed, was likewise appointed naval officer to collect annually the fishing returns

from the different fishing admirals, and to examine all ships' papers and manifests.

After these important changes, things appear to have gone on very quietly in the colony for some years, nothing of any special legal bearing attracting attention, with one exception. In the year 1754 Lord Baltimore revived his claim to the *Province of Avalon*, together with all the royal jurisdictions and prerogatives thereto belonging, and prayed that His Majesty would approve John Bradstreet, Esq., as governor thereof. This demand was submitted to the Attorney and Solicitor-General, who gave it as their opinion that, as notwithstanding a determination in 1660, in favour of the original grant made in 1623, there had been no actual possession of the province, or exercise of any powers of government by the Baltimore family, and as there had been many proceedings inconsistent with the right set up unchallenged by the party urging the right, therefore His Majesty should not comply with the petition. So the matter was settled, and there has been little since heard of the Province of Avalon.

During the period in which Newfoundland was making approaches towards the exercise of a local civil government, the troublesome inauguration of which has been noticed in the foregoing paragraphs, the mother-country was engaged in a series of chequered and gigantic wars—wars with France and with Spain—wars, whose battle-fields were found in Europe, and some of whose most momentous and fruitful struggles took place on the soil and waters of

America. For many years the councils of England had been feebly directed, leading to a lavish expenditure of men and money, the effects of which, though often glorious, did not always compensate for the price paid. But in 1757, by the elevation of Pitt to the chief post in the State, the nation obtained a pilot who, through a stormy period, conducted her operations with unexampled boldness and success, and gave her possession of one of the most splendid prizes that ever fell into the lap of victory. The Great Commoner, as he was called, joined his country in a cordial league with Frederick of Prussia, and thus contributed to the triumphs of that monarch at Rosbach and at Luthen. He also laboured to inflict a direct humiliation on France by sending an expedition against Rochefort, the non-success of which is chargeable neither to the plan nor to the means provided by the minister for its execution. But the ablest blow which he aimed and carried against the same power, was on its dependencies in North America. With a view to this stroke, his sagacious eye had fixed on a fitting instrument in the young Colonel Wolfe, who had distinguished himself in the attack on Rochefort, and still more by his bold proposal there, which, if followed, might have ensured the success of the expedition.

In 1758 an enterprise was prepared and sent out against Cape Breton, in which Wolfe, with the rank of brigadier-general, was despatched as second in command under General Amherst. This armament, consisting of 150 sail and 12,000 men, came to anchor within a few

miles of Louisberg, the capital of Cape Breton. The attack on this fortress, chiefly under the orders of Wolfe, was completely successful, and its conquest was followed by the submission of the whole island.

The year 1759 was destined to witness a still more important and eventful enterprise. This was the conquest of Canada, the principal French dominion in the New World. The outworks of that dominion had already fallen, and the time had come for the attempt to take possession of the main stronghold. The command in this expedition was intrusted to Wolfe, who, though he had returned home sick, after the victory at Louisberg, had eagerly sought re-appointment to active service. This is not the place to enter into the details of his glorious campaign. It is sufficient to register the fact, that by a combination of patience and bravery, boldness of invention, and skill in execution, and by heroic efforts in the final struggle, Quebec fell, and with it the most magnificent colony of France passed from its hands into the possession of England, a triumph and a gain, however, the joy of which was damped by the melancholy fact that the young conqueror had perished on the field of his genius and his fame. By this acquisition nearly the whole of North America inhabited by Europeans had come under the sway of the Sovereign of Great Britain, a marvellous increase of territory since Cabot, in the name of Henry VII., had taken possession of the new-found-land.

In 1762, though Pitt had resigned the seals of office, his successor, Lord Bute, notwithstanding his

pacific predilections, was compelled to lead his administration and the country once more in a war against the united powers of France and Spain, to the great humiliation and losses of those powers, especially of the latter. Portugal was successfully defended against Spanish invasion. Martinique, Havanna, and the Philippine Islands were conquered by the British, and immense spoils of treasure and merchandise were divided among the victors. At the close of the war, ‘to counterbalance these great advantages on the part of England, the French could only point to their descent at St. John’s in Newfoundland, from which, moreover, they were expelled in the course of the same summer.’\* So writes Lord Mahon, thus summarily mentioning a transaction which should have a more particular notice in this work.

The harbour of St. John’s forms a deep inlet on the extreme eastern coast of Newfoundland, and is completely protected against the gales from the sea. Its entrance is a contracted passage running between two lofty mountain ranges;—the nearest point on the right, called Signal Hill, towers almost perpendicularly 520 feet above the water, the range on the left (south), with scarcely less abruptness, attains to a still greater elevation. The latter range forms an almost inaccessible border to the south side of the harbour, a sheet of water which, after the passage of the *Narrows*, trends in a westerly direction, at an angle so acute as,

\* Lord Mahon, *History of England from the Peace of Utrecht to the Peace of Versailles*, third edition, vol. iv. page 268.

in a short distance up, to cut off completely the view of the sea.

The city lies on a somewhat elevated slope to the northward, rising from the water's edge. About a mile from the entrance to St. John's is a little fishing harbour called Quidi Vidi, in some sort a miniature of that of the capital, having also its narrows, accessible to nothing larger than a fishing boat. Still further to the northward, six miles from Quidi Vidi, is Torbay, a spacious and beautiful sheet of water, about two leagues in width, and containing three convenient fishing coves. To the southward again of St. John's, at a distance of six or seven leagues, there is a considerable harbour named the Bay of Bulls, which has often formed a grateful refuge to vessels from the wintry storms.

This brief topographical sketch may help the reader to form some idea of the way by which the French gained possession of the capital, and of the manner in which they were afterwards expelled.

In May 1762, a French squadron under the command of M. de Ternay sailed from Brest under cover of a fog, which concealed it from the English cruisers. This was at the time when a large British fleet was busily employed in making notable conquests in the West Indies.

On June 24 the French expedition suddenly entered the Bay of Bulls, and there landed a force which, after a toilsome march of nearly twenty miles, startled the inhabitants and the feeble garrison of St. John's. The place was speedily taken, and the

captors resorted to all available means to secure their possession, by strengthening the fortifications of the city and the port, and by rendering inaccessible the gut of Quidi Vidi.

While this easy conquest was being made, the English Governor, Captain Graves, was pursuing his outward voyage across the Atlantic, towards his seat of government. On approaching the grand bank, he was met by a sloop bearing him information of the invasion by the enemy. Immediately on receiving these tidings, he intrusted the master of the sloop with despatches to be conveyed to Halifax, while he himself hastened to Placentia, and as quickly as possible put the ports there in a state of defence. Meanwhile a small British garrison in charge of the Island of Bois (Isle du Bois) off the harbour of Ferryland, was repairing the fortifications, and affording protection to a number of the inhabitants of the country, who had taken refuge at the station. Lord Colville, the admiral commanding at Halifax, as soon as he received the despatches of Governor Graves, sailed with a fleet to Newfoundland, and having reconnoitred the Bay of Bulls, invested the Port of St. John's, within which the enemy was lodged.

In a short time he was joined there by Colonel Amherst, who brought with him eight hundred men, in which were some provincial light infantry; but the greater part were Highlanders.

These troops were at once conveyed to Torbay, and there landed, though not without opposition. From the point of debarkation they had to march seven

miles before they could arrive at the decisive point of the struggle, St. John's. The route which the soldiers had to traverse was one of a most rugged and mountainous character, and as they advanced, increasing efforts were required from them to clear the way of the pertinacious enemy. At length, however, they had won possession of Signal Hill, overlooking the Narrows from the north. The French were shut up within the city and the harbour, their passage out being commanded by those who held the Hill, while a hostile fleet awaited them in the roadstead. But at this moment, when all seemed hopeless for the entrapped squadron, fortune interposed to favour its escape. A violent storm arose, obliging Lord Colville and the English fleet to draw off from the coast, at the same time a thick fog settled on the harbour, under the friendly screen of which the French ships glided down the Narrows, and escaped to sea, their flight not being known to the English fleet until they were beyond the reach of pursuit. The French garrison, thus deserted by its naval support, after sustaining and returning a brisk fire for three days, capitulated on the condition that it should be conveyed by the first opportunity to Brest, a condition which the Admiral, Lord Colville, almost immediately fulfilled.

The conduct of this expedition, which had been attended by such rapid and complete success, and this, too, with means hastily collected and of small extent, excited a good deal of interest at the time, and received the applause of the public in England. The affair was deemed not unworthy of the self-gratulations

of a people called to celebrate other triumphs which have left a more prominent mark on the page of history. One reason why this recovery of Newfoundland was regarded as a fit theme for national exultation was, that it flung back into the teeth of the French the only boast which they had been able to make in the course of the war proceedings of the year. And as contributing to this event, the conduct of the inhabitants should not be overlooked. From all accounts they preserved their loyalty during the occupation by the enemy, though many of them were great sufferers from it. Some were driven from their homes, and had to seek elsewhere for food and shelter. A considerable number of them took refuge in Ferry-land, at which place honourable mention is made of the patriotic activity of one of the oldest and most influential residents, Mr. Robert Carter, who found means to procure a sufficient supply of provision to support during three months these destitute people in the Isle of Boys, as well as the feeble garrison of the Fort. At Carbonier likewise Justice Garland organised a detachment of the settlers, sufficient for a battery which he had caused to be erected in a small island off the Harbour. And afterwards, when the French had destroyed this extemporised defence, he employed himself successfully in collecting a number of recruits for the English squadron, bound to serve until the enemy was expelled.

At the close of this year, 1762, negotiations were earnestly entered into by the different powers engaged in the war for the establishment of peace: and in the

following February a Definitive Treaty to this end was concluded at Paris. In this engagement, France renounced all pretensions to Nova Scotia, Canada, Cape Breton, and all the other islands in the Gulf and River of St. Lawrence. The article of the Treaty of Utrecht relating to the French privileges in the Newfoundland fishery was renewed and confirmed. The islands St. Pierre and Miquelon were ceded to France in full right, as a shelter to her fishermen, with the condition attached, that she was not to fortify the said islands, nor erect any buildings on them but such as were necessary for the convenience of the fishery, and that she was allowed to keep on them a guard of only fifty men for the purposes of a police. Spain, the other late belligerent power, was declared to have no part in the fishery whatever.

Many judged, at the time when this treaty was signed—and the complaint has often been repeated since—that Great Britain, in an excess of magnanimity towards the principal enemy whom she had humbled in the recent war, again lost a good honest opportunity for removing the French altogether from these fisheries, which, if it had been taken advantage of, would, on the one hand, have put away a great occasion for future disputes, and on the other, have weakened the aggressive force of that power with which she has ever been most in danger of rivalry and strife. This was not only the opinion of ignorance and a narrow-minded selfishness, but a conclusion enforced by the conviction and the eloquence of the most far-seeing and patriotic British statesmen of that

age. When the preliminaries of the Peace of Paris were brought before Parliament, Pitt spoke earnestly against some of the terms of the Treaty. Suffering at the time from a severe attack of his old malady, the gout, which obliged him to address the House from his seat, he poured forth one of his masterpieces of oratory for the space of three hours and a half, in which, referring to his own conduct in relation to the fisheries of Newfoundland, he said—‘I contended several times in vain for the whole exclusive fishery, but I was overruled, I repeat I was overruled, not by the foreign enemy, but by another enemy.’

With the year 1749 commences a series of volumes still extant in their complete state, entitled, ‘The Records of Newfoundland.’ These have been kindly placed at the disposal of the author by Sir Alexander Banerman, the present Governor. They contain a minute account kept by successive governors of their proceedings while administering the affairs of the colony. These memoranda are very voluminous, the greater part referring to transactions and provisions so identical in their character, that, compared with the space they fill, little can be extracted from them as contributing to the general history of the island. But there is much that is very curious and interesting, from the facts narrated or suggested, illustrating the condition of the country; the material and moral state of the people; the difficulties arising in the application of the limited measure of legislation which had been introduced, and especially the kind of work imposed on successive representatives of the Sovereign in

reference to matters civil and military, legal and social, on which, according to the best light available, they had to act or decide. On the whole, these volumes form a mine of valuable information. It is a mine, too, which hitherto has not been explored to procure materials for a history of the island, and, on this account, it will be largely drawn upon for the further prosecution of this work.

The first name which appears in these records, as bearing the commission of governor, is that of George Bridges Rodney, a man who, at a later period, played a distinguished part in the naval service of his country, for which he was ennobled by his Sovereign, and who is still associated with cherished traditions in the British fleet. During his government of Newfoundland he displayed the simplicity and earnestness characteristic of his profession, and this often combined with a penetrating capacity which is sometimes wanting in those who have had a more exclusive training in the routine of governmental official life. The following extract from a letter which has been preserved, will at once illustrate these points in his character, and at the same time afford a glimpse of the selfishness of the parties to whose conduct he refers, and who, it should be remembered, had been accustomed to have their own way in the colony. The fishery not having been a very successful one, certain merchants at Harbour Grace had applied to the resident magistrate to be allowed to reduce the amount of wages which they were under agreement to give to the servants hired for the voyage. This

request was transmitted by the magistrate to Captain Rodney, and here is his reply:—

SIR,—I was favoured with both your letters since my arrival in the country, and am very sorry to find the season proves so bad for the merchants, boatkeepers, servants and others; and in regard to what you have laid before me, concerning the merchants' request, that the servants may bear an equal proportion with them in their losses, I can by no means approve of it, as both equity and law declare the labourer to be worthy of his hire.

Mr. Drake and myself would be glad to ease the merchants in all that lay in our power, but we are by no means capable of committing so flagrant a piece of injustice as desired, to serve any people whatever. I have only one question to ask, namely, had the season been good in proportion as it has proved bad, would the merchants or boat-keepers have raised the men's wages?

I am, Sir,

Your most obedient humble servant,

G. B. R.

To George Garland, Esq.

One of the most prominent facts impressed on the mind in examining the Records—a fact which often makes these volumes a weariness to read—is the multiplicity, embracing every variety, of affairs which devolved personally on the governor. As representative of the Crown, he had to receive and transmit communications between the Privy Council and himself. As commander-in-chief of the forces, and commodore of the station—the two responsibilities being generally combined—he had to receive reports from the several garrisons, to examine their accounts, to issue orders for their regulation and for things needful to them, even to the supply of fire and candle, to direct the

movements of the cruising ships, and to take measures against the very prevalent evil of desertion. As chief administrator of the laws, he had to impose oaths on the magistrates, to instruct them, in detail, as to their functions in continually changing exigencies; to summon courts civil and criminal; to preside over them in St. John's; to appoint surrogates or deputies to perform the same duty in other districts; to receive and examine a minute account of the proceedings of the latter; and in all cases to order the execution of the decrees of the courts. Much of the business which came before the Governor, and on which he had finally to decide, was of a most difficult nature: such as settling rival claims to property, defining boundaries, redressing encroachments, judging of the validity of wills, scrutinising the accounts between creditor and debtor, fixing the amount which the latter had to pay, and the time and manner of paying it. These and many other demands occupied every governor during the months of his brief stay at the island—and this often when his vigilance was taxed to guard the coast against the national foes.

It was not until after Rodney's administration, that a regular assize for the trial of criminals, technically called Oyer and Terminer, was instituted. During his time, and previously, the Governor himself had to receive the complaints of wrongs done, and take steps for their redress, and the punishment of offenders. On September 4, 1749, there was held, what is termed in the index to the record, the Governor's Court, before which there came a case which affords a glimpse

of the mode of dealing out justice, of the laxity of magistrates, and of the rude manners of the people, and which elicited another characteristic letter from the Governor:—‘ The principal inhabitants and others being assembled, the oaths of allegiance, supremacy, abjuration, and declaration, were administered to such of them as were willing to receive the same; after which the following petitions and complaints were presented to the Governor, and read in the presence of the whole assembly.’

Then follows the petition of Thomas Range, of Western Bay in Conception Bay, complaining against one John Pike of many violent abuses committed by the order, and by the servants of the said John Pike, &c. Whereupon the petitioner being sworn, the accused was summoned to appear at St. John’s ‘ the 15th day of this instant September,’ and a summons was immediately issued to the magistrates of Conception Bay to secure his attendance. But when the Court met again, according to adjournment, neither John Pike nor any implicated with him appeared to answer the complaint. This led to the issuing of a warrant for their apprehension, which was accompanied by a very plain letter from the Governor to the magistrates, in which occur the following passages:—

‘ GENTLEMEN,—I am sorry you have given me occasion to tax you with a breach of your duty in the execution of your office. I suppose it must be from your ignorance of the law;’ ‘ however, I hope for the future you will be more cautious, and take care to see executed all such summonses as shall be to you directed for apprehending offenders against the peace of His Majesty’s subjects.’ ‘ You likewise

neglected to acknowledge the receipt of the summons, which for the future you are not to do, as you will answer the contrary at your peril. Your behaviour in this affair has obliged me to reprimand you in this manner, for remember, gentlemen, I am sent here to administer justice to rich and poor, without favour or partiality. You, likewise, by the oath which you have taken as justices of the peace, are obliged to the same, in the neglect of which you will not only forswear yourselves, but be liable to be severely punished according to law, and you may depend upon it, I am not to be trifled with in the execution of my office. Thus much I hope will suffice to remind you of your duty, and make you more diligent in the execution thereof for the future. You will herewith receive a warrant for apprehending these persons who have neglected to appear at St. John's agreeable to my summons. The officer commanding His Majesty's troops in garrison at Carbonier has my orders to be aiding and assisting you in putting the said warrant in execution, in case you shall stand in need of and demand his assistance.

I am, gentlemen,  
Your very humble servant,  
G. B. R.'

In consequence of this sharp order, John Pike was forthcoming, and his case was referred to the sessions held by the Governor and the justices on September 25; when it appeared that he was accused of several offences. 1. That he had carried David Careen and Michael Mooren on board a ship, and had there whipped them without any legal authority whatever. Sentenced to pay 20*l.* in the one case, and 15*l.* in the other, with costs of suit, the fines to go to the persons bringing the complaint. 2. That he had beaten Grace Davis and Mary Prosser in a cruel and barbarous manner. This case, at the desire

of the complainants, to be adjusted by arbitration. 3. That he had beaten, abused, and run a cutlass through the foot of Jeremiah M'Donald, and then put him on board a ship, and sent him to Spain without his consent. This charge *not proved*. 4. That he had carried away from Amos Vincent all his green and dry fish, together with a seine, under pretence of a debt due, without any legal authority. Adjudged to pay 100*l.* in bills of exchange to the said Amos Vincent. The defendant being evidently a man of substance, seems to have been a tempting target for accusations, as three other charges were preferred against him, but were dismissed with the, to him, comfortable judgment, *not proved*.

A curious example of Justices' justice, and of the difficulties interposed to the execution of its decisions, is furnished in the following case : John Vincent came before William Keen, Esq. jun., magistrate of Bona Vista, and charged Joseph Batt with coming to him, and while he, Vincent, was giving to the defendant twenty-four pipes which he had promised him, the latter abstracted from the room a pair of shoes and buckles which had never been worn, and which cost seven shillings and sixpence sterling. The first evidence given in the case was in the form of two depositions, the deponents solemnly affirming their belief that the above John Vincent was not so drunk on the day of the alleged robbery as to be incapable of recollecting what took place. Then the testimony of the complainant was received, which was considered to establish the charge, and the

defendant was sentenced to receive fifteen stripes on the bare back by the hands of the beadle at the public whipping-post.

Mr. Keen, however, received a hint that a mob would collect for the purpose of preventing the law being carried into effect, so he determined to go himself and see the sentence executed. ‘At length’ (this is from his own statement), ‘having got Joseph Batt to the whipping-post, before he could be tied he slipped on one side, and was seized by several who swore that he should not be whipped.’ Still the magistrate persevered, and with great personal exertion recovered the prisoner and had the judgment executed; after which one of the crowd came up to the whipping-post, and spoke to the mob in the following manner:—‘Now, gentlemen, if you would be all of my mind, we will take that fellow (pointing to the plaintiff), and tie him to the post, and serve him in the same way.’ ‘Upon which,’ says the magistrate, ‘several agreed to it, and had I not interposed, they had certainly done so: but when they found I would not suffer it, they began to beat the said Vincent, so that with difficulty I got him out of their hands; and it is my opinion, that had the man been left to their mercy, he would have been in danger of his life.’

The affair did not end here, but in a few days afterwards, Mr. Keen makes a declaration, that the leaders in the same crowd collected a large number of followers, and assembled together on ‘the hill by the whipping-post, where they had a quantity of flip, and

behaved in a very unlawful manner, and pulled out of the whipping-post the irons which confine the hands of persons there punished.'

Even this bold act of defiance to the symbols of authority did not satisfy the indignant partisans of John Batt; for there follow three depositions to the effect that the same parties 'went to the plantation of the magistrate, William Keen, Esq., jun., in a riotous manner, and with hatchets, and did there and then cut down a broad flake, being six beams in breadth, belonging to the said William Keen.' With these depositions, this case of flagrant injury and contempt towards the law and its officers disappears from the record.

In 1754, Captain Bonfoy being then governor, there is an account of a trial for murder, the conclusion of which shows that it was not sufficient for a man to be pronounced 'not guilty,' to exempt him from penalties for the trouble he had caused the court. In this case, the verdict of the jury is a curiosity in its way:—'We, the jury sworn, cannot make it appear that the prisoner is guilty of the murder. Acquitted, for by reason that no man ever saw him lift hand against him. So we all give our opinion for the man to be not guilty of the fact. Given under our hands in one consent.' 'Whereupon, the prisoner under care of the sheriff being ordered into court, and the persons attending the court being come in, the prisoner, Martin Doyle, was called upon to hearken to the sentence of the court; which sentence was then pronounced:—That as the jury have acquitted

you of the indictment, you are therefore set at liberty on paying the charges of the court.' If the man knew himself to be innocent, it must have seemed rather a hard case that he should have to pay for the process arising out of a false accusation, by which process he had run the unpleasant risk of being hanged.

At the same time, and before the same court, a judicial enquiry was made into the circumstances of a more fearful and less doubtful case of murder. In this instance the victim is described as William Keen, Esq., apparently the father of the magistrate. No less than nine persons, one of them a woman, were charged with being implicated in the murder. The evidence proved that all these had conspired to rob the house of Keen, the woman being the principal instigator, as professing to know where his money was. Once before the day of the crime the accused had met, with the intention of committing it (swearing on the Prayer Book to be true to each other), but difficulties interposing, they separated till a more favourable opportunity. At length it arrived, and after again going through the form of swearing, they proceeded to effect their purpose in the dead of night, some keeping watch with guns, while others entered the house; among the latter, the woman dressed in man's attire. Proceeding through the kitchen, the burglars entered the old man's bed-room, who, alarmed by the noise, and by the attempt to cover his face with the quilt of the bed, struck out with his hands, thereby extinguishing the candle held by one of the

assassins. He was then struck twice with a scythe, followed by a blow from the butt-end of a musket, the inflictor of the latter stroke saying truly afterwards, that he had done his business. The evidence was very clear against the prisoners, who were all found guilty, and sentenced to be hanged, two of them, one the woman, to be hung afterwards in chains on a gibbet in some public place.

There is a slight singularity in the account of this sad affair. The Records contain the copy of an order for the erection of a gallows for the execution of sundry persons in custody for Keen's murder, the date of which order is one day earlier than that on which these persons were put on their trial.

The sentence was carried out on four of the condemned, two being gibbeted. The other five were respite by the Governor, and subsequently received the king's pardon; this latter step, however, calling forth a memorial from the principal inhabitants of St. John's, praying that the reprieved should be banished the country, which was complied with by the Governor.

Religious toleration does not seem to have been one of the public virtues practised in Newfoundland a century ago. The Roman Catholics, forming a large proportion of the resident population, were especially interdicted in the exercise of the rites of their Church — and even subjected to disabilities for the crime of being Catholics. The Government officials were required to disavow any participation in the doctrines of this obnoxious and proscribed sect.

Here is a form of repudiation, bearing the signatures of seven justices of the peace and others:—‘ We, the undernamed justices of the peace, judges, and sheriff, do declare, that we do believe that there is not any transubstantiation in the sacrament of the Lord’s Supper, at or after the consecration thereof by any person whatsoever.’

But though Romanist views were thus abjured by the authorities, the adherents of the Romish Church came and multiplied in the island. In the year 1755 Governor Dorrell thus refers to this great evil, as it was deemed:—

Whereas a great number of Irish Roman Catholics are annually brought over here, a great part of which have but small wages, so that after paying their passage to this place and the charges of clothing, &c., during the fishing season, their whole wages are spent, and they have not wherewith either to pay their passages or to purchase provisions for the winter, by which means they not only become chargeable to this place, but many robberies and felonies are committed by them, to the great loss and terror of His Majesty’s liege subjects in this island. This is therefore to give notice to all masters of ships or vessels that bring such passengers to this island, that after the fishing season is over, they carry from hence the whole number and same passengers they bring here, except such as have my order to remain in the land; hereof they are not to fail, as they will prevent being proceeded against with the greatest severity the law in such cases will admit.

(Signed) R. DORRELL.

Poor, however, as were these followers of a proscribed faith, who had intruded themselves into the country, they were made to pay for their attachment

to their creed. In a communication addressed to the justices by Governor Graves in 1762, this fact is thus recognised: ‘ You are likewise to continue in due force the tax laid on Roman Catholics per late Governor Webb, and to make a return to me of what money has been collected on that account.’

But the most resolute action of the Government was directed to prevent the introduction of any priests to exercise their functions in the prohibited communion. In 1755 Governor Dorrell writes to the magistrates of Harbour Grace on this subject:—

Whereas I am informed that a Roman Catholic priest is at this time at Harbour Grace, and that he publicly read mass, which is contrary to law, and against the peace of our sovereign lord the king. You are hereby required and directed on the receipt of this, to cause the said priest to be taken into custody and sent round to this place. In this you are not to fail.

In answer to this appeal, the magistrate replied:—

As concerning the Roman priest of whom you were informed that he read public mass at Harbour Grace, it was misrepresented, it was at a place called Caplin Cove, somewhat below the Harbour; for if he read it in the Harbour I should have known it and would have secured him. After he was informed that I had intelligence of him, immediately (he) left the place, and yesterday (I) was informed he was gone to Harbour Main.

The sequel to this affair, as set forth in the Records, reveals a legalised religious intolerance, which, though too common in those days, yet is startling when seen now in the facts by which it was illustrated.

It appears that the priest *did* perform service in Harbour Grace, and in other places besides, thereby furnishing the materials for certain judicial proceedings worthy of notice, the tenor of which will be best seen by a document copied in the Records.

At a court held by the Governor's deputy in Harbour Main, September 20, 1755, the following order was issued to the magistrates:—

*By Thomas Burnett, Esq., deputy or surrogate,  
to Richard Dorrell, Esq., governor, &c.*

At a court held before me at Harbour Main the 20th of September, at which you, Charles Garland, was present, at which time Michael Katem did appear before us, and by his own confession did admit a Roman priest to celebrate public mass according to the Church of Rome, in one of his fish-rooms or store-houses, and he, being present himself, which is contrary to law, and against our sovereign lord the king, we think proper to fine him the sum of fifty pounds, and to *demolish the said fish-room or store-house where mass was said*, and I do likewise order the said Michael Katem to sell all the possessions he has or holds in this harbour, on or before the 25th day of November ensuing. At the same day appeared before us Michael Landrican, who was guilty of the said crimes, for which we think proper to fine him the sum of twenty pounds, *to burn his house and stage down to the ground*, and he to quit the said harbour by the 25th of November ensuing. At the same time appeared before us, Darby Costley, Robert Finn, Michael Mooring, and Renold McDonald, all which by their own confession are Roman Catholics and inhabitants of this place, which is contrary to law that they should hold any property in this island. We therefore think proper to fine the said Darby Costley ten pounds, Robert Finn ten pounds, Michael

Mooring the sum of eight pounds, and Renold McDonald the sum of two pounds ten shillings, all the said fines in sterling money of Great Britain, and all the said persons to quit the said island by 25th of November ensuing.

T. BURNETT.

To Charles Garland, Esq., one of His Majesty's  
Justices of the Peace at Harbour Main.

The above were not the only parties who received this hard measure for indulging their religious preference. There were no less than sixteen others in Harbour Main subjected to various penalties for the same crime. There were others at Harbour Grace. A large number were in the same case at Carbonier, and in the adjoining fishing villages. In every instance where the service had been celebrated, the order was peremptory for the place in which it had been held to be burnt down, or otherwise destroyed, as though it were judged a plague or a curse might linger within the walls.

It is not pleasant to read the evidence of a persecuting spirit established by the foregoing facts. It is especially disagreeable to Protestants to find that the persecutors were on their side. The facts, however, cannot be set aside, neither can they be excused: the only pretence of an apology that can be offered is by referring the facts to a period when all religious parties in their day of power were not distinguished for charity, or even mercy towards those who differed from them, and by remembering that at that time the English nation had not learned to draw a distinction between the adherents of the Papacy, and the designs

of what were termed popish recusants, and a popish pretender. It was not till nearly a quarter of a century after the tyrannical proceedings noticed as taking place in Newfoundland that the British House of Commons repealed laws which made it felony or treason for a Catholic priest to teach or officiate in the services of his Church—which gave to the son or other nearest relative, being a Protestant, power to take possession of his father's or his kinsman's estate during the lifetime of the rightful owner, and which debarred the Catholics from the power of acquiring legal property by any other means than by descent. Even this tardy and scant measure of toleration was followed by a strong no-popery organisation which, rising in Scotland, spread through the sister kingdom until it culminated in the Gordon riots in London. It is a satisfaction to the Englishman of the present day, that these stains on his country's rule have passed away with the prejudices and the plots with which they were associated. And if he is ashamed at reading some of the records of a not very distant past, he may also feel indignant wonder that there are countries in which the same blemishes are still cherished even now, when the latter half of the nineteenth century is far on its way.

In reference to the oppressive proceedings against the Roman Catholics in Harbour Grace and its neighbourhood, it should be stated that that portion of the population against which they were directed appears to have been characterised by a lawless rebellious spirit towards the institutions and the

government\* under which the people lived; scarcely wonderful, indeed, considering how hard the institutions and the Government bore on them. As evidence of this spirit, and also as proof of the jealousy of the authorities in respect to any slight on the established government, the following order may be transcribed:—

Whereas it has been represented to me, at a court held at Harbour Grace, at which you, George and Charles Garland, Esqrs., were present, at which time there did appear by evidence, that George Tobyn, master of the St. Patrick brig, had threatened the life of Philip Payne, merchant, and it likewise did appear that he frequently wore Irish colours, and sometimes hoisted them at the ensign-staff and his English ensign hoisted on his jack-staff, to bid defiance to the English and Jersey men of this Harbour, and as it appears all this was done to stir up a spirit of rebellion amongst the Roman Catholics of this Harbour, they being far superior in number to the Protestants, insomuch that it is sometimes a difficult matter to bury their dead, and have been obliged to make use of all the force they could assemble, to prevent their insolence whilst they were burying their dead; We think proper, therefore, to fine the said George Tobyn the sum of ten pounds for his insolent behaviour. I do hereby require and direct, &c.

T. BURNETT.

Of the too prevalent lawlessness and crime existing

\* The following note to this part of the Records was made by some person writing apparently in 1787, who has left a careful analysis of the volumes up to the preceding year.

‘N.B.—A war with France having broken out at this time, Government suspected that the Irish Catholics could not with safety be trusted, and that they would be inclined to join the enemy in case the island should be invaded, which probably was the cause of the severity exercised towards them by the Governor.’

in the colony, the letters of the several governors furnish abundant testimony. Here is an example:—

Whereas I think, for the good of this island in general, that gallows should be erected in the several districts in order to deter (frequent robberies that are committed by) a parcel of villains, who think that they can do what they please with impunity. You are therefore hereby required and directed to cause gallows to be erected in the most public places in your several districts, and cause all such persons as are guilty of robbery, felony, or the like crimes, to be sent round to this place in order to take their trial at the annual assizes held here, as I am determined to proceed against all such with the utmost severity of the law. Given . . . . at St. John's, the 12th of October, 1754.

#### H. BONFOY.

Copies of this order were directed to be sent to all the justices of the peace throughout the island.

One more extract from the records of this period (1749–1762) shall conclude this chapter. It is curious, as illustrative of the care of the magistrates to fix under what category, whether virtuous or otherwise, to class the inhabitants of their districts.

At a court held in Ferryland the 27th day of August, 1750, at the request of the justices of the peace, John Allen and Elizabeth Gobbet (commonly called Elizabeth Allen) were brought into court, and declared that they *were not married, but only kept company together.*\*

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\* Two instances of the mode of dealing with women whose conduct or disposition was offensive are noticed in the records of 1757.

1st. Eleanor Moody, having given liquor to a seaman and

stolen his money and his buckles, was ordered to be put in the whirligig, and then sent out of the country.

2nd. A justice of the peace at Trinity, having struck a woman said to be of a troublesome and turbulent disposition, on the case being reported to the Governor, the magistrate was ordered to pay  $5l.$  to the woman's husband and to erect at his own expense a cage for the punishment of turbulent women.

## CHAPTER V.

1763—1775.

THE general course of events for some few years after the Treaty of Paris had little effect on the condition of Newfoundland. That treaty, while it had confirmed, had also more definitely fixed, the provisions of the Treaty of Utrecht, as respected the relations between the British fishermen and those of France. About the same time that this pacification was made, an increased importance was given to the governorship of the colony, by annexing to it ‘all the coast of Labrador, from the entrance of Hudson’s Strait to the river St. John’s, opposite the west end of the island of Anticosti, including that island with any other smaller islands on the said coast of Labrador; also the islands of Madeleine in the Gulf of St. Lawrence.’

A very brief period had passed away after the settlement concluded with France, when there sprang up symptoms of the amicable relations between the two countries being again disturbed, and a fresh appeal made to arms, and the cause of this threatened interruption proceeded from Newfoundland. It was a time when the public mind in England, not content

with the terms on which the late contest had been brought to an end, was in such an irritable state, that a very slight spark was sufficient to enkindle a flame, and this state of feeling, while it was fostered on one side by the unpopularity of the minister, was stimulated on the other by the exciting appeals of the notorious and popular John Wilkes. Such being the state of public sentiment, it is little wonder that when a sloop of war arrived from Newfoundland with the intelligence that the French had a formidable fleet on that coast — that contrary to the stipulations of the late Treaty, they had manifested an intention to fortify the island of St. Peter's — and that the British squadron on that station was in no condition to prevent that measure — a violent outcry should be raised, and a new war declared to be necessary and inevitable. On further inquiry, however, it was found that the cause alleged for all this indignation had scarcely any foundation, and the ebullition of popular wrath soon expended itself, without evoking any international conflict or even dispute. The only result of the feelings that had been aroused was to lead the Ministry to put the fortifications of the island into a better state of defence.

The next great embroilment which Newfoundland was to witness, and from which it was destined to suffer, was that in which the parties engaged in hostilities with the mother-country were those trans-atlantic colonies which stood in the same relation to that country as itself. With the States of New

England, the residents on the island and the adventurers prosecuting the fisheries were involved in the relations of a convenient, but not in all respects, a legal traffic. The western plantations were able to supply the colonists and the fishing ships with articles necessary for the voyage, such as provisions, tobacco, rum, &c., on easier terms than they could be procured from Great Britain, while the fish exchanged was a profitable article of trade to the vendors. The latter also found a great pecuniary advantage in seducing men from the fisheries, to meet the enormous demand for labourers in their own colonies. But in obtaining both classes of benefits, the Americans came into collision with the interests of the English merchants, whose constant endeavour was given to keep the trade in their own hands, and who did not like any invasion of their own labour market. Still, so advantageous was it to obtain provisions from the colonies, that even the merchants' ships and agents increasingly availed themselves of this means of supply, and in course of time came greatly to depend on it. The local position of the French in the island of St. Peter's greatly complicated the business, and led to extensive frauds on the revenue of the British Government. Ships left New England with a full cargo, part of which they discharged at St. Peter's, in return taking in wine, spirits, and various foreign goods, with which they proceeded to ports in Newfoundland, as if they had come direct from the port at which the vessel had received her clearance, and contriving to evade the local arrangements, landed

the cargo, mostly contraband, to the great profit of those engaged in the enterprise, and as it was alleged, to the demoralisation of the inhabitants and damage of the fisheries, as well as to the loss of the revenue. This was an evil which taxed the vigilance of successive governors, but it was so favoured by the people, that little could be done for its eradication, or even its diminution.

Indeed it appears that this gainful commerce between the Newfoundlanders and the New Englanders gradually infected the former with the same views and feelings which were soon to have such a strong manifestation on the part of the latter. They sympathised with the spirit of independence which had its determinate expounders in the citizens of Boston, so far at least as to desire to be emancipated from any Government exactions or fetters, which tended to check a desirable and profitable intercourse. But when the American colonies so extended their refractory demands as to make it evident that they were looking forward to complete independence, whatever sympathy had been felt towards them in the island evaporated, and was lost in a loyal clinging to the parent State.

In 1774 the Congress of the insurrectionary provinces came to a resolution to suspend all intercourse of trade by importation from Great Britain, and declared that unless their grievances were redressed, they would discontinue their exports to her possessions. In this resolution and intention there lay a terrible stroke to Newfoundland. When the non-importation

decree reached England, the question arose whether they who had passed it should be allowed to participate in the lucrative trade of the fisheries. After a debate in the Cabinet arising from suggestions as to the evil which the prohibition would inflict on the loyal subjects of the Crown, that measure was decided on with the consent of the merchants in the West of England engaged in the trade, who could probably see their own gain in it, whatever sufferings it might occasion. But, beside the immediate evils consequent on this step, they were followed by another which had not been calculated on. It had been imagined that the revolting States, deriving so much advantage from the export trade to the fisheries, would never do anything so suicidal as to deprive themselves of its benefits. But in this case, patriotic wrath prevailed over self-interest, and, in 1775, the Congress gave effect to the threat made a year before, by forbidding all exports to the British possessions. This was a resolution which fell with rapid and painful severity on Newfoundland. There the people, both resident and those periodically engaged in the voyage, had been so long used to obtain necessary supplies from America, and had grown to be so dependent on them, that the sudden stoppage of the stream threatened them with absolute famine, seeing that 2,000 miles of ocean intervened between the consumers and any other source whence their wants could be met. This was the danger which actually impended as the result of the decree of the Congress. And, notwithstanding that as soon as it was known ships were sent away in

ballast to Great Britain and Ireland to procure such things as were required to keep the people from starvation, great suffering was in the first instance endured, and much inconvenience and hardship entailed through all the succeeding years of the war. These trials were for some time increased by the American privateers off the coast, which entering many of the harbours did considerable damage, and carried away much spoil. At length, however, the British Navy was in such force, and did its work so effectually in these waters, that this latter evil was much abated.

It is of some importance to notice the internal regulations of the island and the fisheries, during the period intervening between the ratification of the Definitive Treaty of Paris, and the consummation of the American revolution. Newfoundland was under the governorship of Captain Graves at the time when the above-mentioned Treaty was signed, but it devolved on his successor to devise and to carry out the local rules necessary to give effect to that engagement. This task fell to Captain, better known as Sir Hugh Palliser—at one time somewhat famous in the political struggles at home, from his dispute with Admiral Keppel. Captain Palliser was a man in many respects well fitted for the work which was entrusted to him. Laborious, active, determined, comprehending the importance of the position which he occupied in reference to the new arrangements, he set himself earnestly to perform the duties of that position, by establishing, on a practical basis, the

intercourse between the subjects of two rival nations having a concurrent right of fishing in the waters of the same coast — a coast which belonged to the sovereignty of one of those nations. At the commencement of his administration of the colony he issued (on June 19, 1764) a short series of rules for the guidance of commanders of the King's ships, admirals, vice-admirals, and rear-admirals of the harbours, whose engagements brought them into contact with the French, on that part of the shore where the latter had the right of fishing. These rules, which were to be published throughout the island, generally enjoined on all His Majesty's subjects, more especially the official persons before mentioned, not to throw any obstruction in the way of the French prosecuting the fishery within the limits assigned, nor to injure any of the property, such as boats, &c., which they might leave behind them during the winter; but to see that they were treated in all respects as having the same rights and privileges enjoyed by the English within the same boundaries. But the instructions from the governor were careful to show that within those boundaries the French had no superior rights or privileges over the British fishermen. This is evident from the second of these regulations, which, after affirming 'the great importance to the interest, peace, and tranquillity of both crowns, that the Treaties should be faithfully executed, according to the true intent and meaning thereof, all disputes between the subjects of both nations avoided, and the fisheries within the limits aforesaid amicably carried on

between the nations,' goes on 'to order and direct the captains of the King's ships — the admirals of the harbours, and all other officers whatever upon the coast above mentioned, whereon the subjects of France are allowed to catch fish, to dry them on the land,' &c.—' to take the most exact and particular care that the said subjects of France be permitted and allowed, *in common with the King's subjects*, to choose their stations there during the fishing season, according as they shall respectively arrive in the said harbours,' &c.

In an order published by the Governor in the following year announcing his presence in Croque Harbour to redress any complaints on the part of either French or English fishermen, the former are expressly 'forbidden to occupy the country, or to make use of it for any other purpose than the prosecution of the fishery.' 'Notice is also hereby given to the respective French fishery admirals for the information of all others in that nation, in the respective harbours, that at their departure they are not to leave in this country any effects whatever (boats only excepted, which His Majesty has been pleased to give leave for), that they are permitted to remain in the country so long as they are actually employed in taking, drying and shipping their fish, but when that business is fully completed they are to depart and not to stay, as is the practice, &c.' 'Within a week after the publication of this order, the Governor had to deal with an example of the offence against which it was directed. The master of a French vessel had left behind, at the close of the

season, three men, ‘with a shallop and all necessaries and materials for a winter’s fishery, for building new shallops, &c., and they accordingly wintered in the river Thames in the Bay of Islands, where they fished, hunted, and built a new shallop, then went to St. Pierre, and, after delivering their fish, &c., returned in their new shallop to this country, all which being contrary to treaties, and a direct encroachment on His Majesty’s territories, I have caused the said shallop to be seized.’ The Governor further commanded the captain of the French vessel to take the three men on board, and carry them to France, and at the same time forbade him and all other masters of French ships to leave any of their crews in the country on pain of forfeiture of their ships if ever they returned to the coast.

During the same season, the case of two French boats was referred to the Governor by one of the naval commanders. One of these boats was reported by this officer to be of larger dimensions than was usual among fishing boats, and also to be furnished with a deck, in which respects he thought that the use of it exceeded the privileges granted by the treaty, even though the craft was built of materials not the produce of the country. In the other case, in which it appears that a Frenchman had built a small vessel in Newfoundland, the same officer had laid a prohibition on its being employed in the fishery. The Governor decided in reference to the first, that the deck of the boat must be removed before it would be allowed, and as to the second, he ordered ‘that the said vessel

shall be pulled to pieces, the French having no right to build vessels in this country.'

Governor Palliser took great interest in the salmon-fishery, which previously had engaged but little notice, notwithstanding the abundant and profitable field for it in Newfoundland. In issuing regulations respecting it, he thus refers to this neglect:—'I am informed that the said salmon-fishery is capable of being greatly extended and improved; but that at present very few people are employed in it, because of violent and unlawful practices of some people to discourage and obstruct new adventurers, by which many ship-loads of salmon yearly return from the rivers into the sea, which might be taken and carried to foreign markets, to the great benefit of His Majesty's trading subjects, and of the nation in general.' After showing that His Majesty's subjects had the unrestricted right to enter any lakes, creeks, and rivers in the country in pursuit of salmon, and to use the shore for the curing, salting, and drying of the same, he lays down five rules for the guidance and government of persons engaged in this branch of the fishery, apologizing for the brevity and simplicity of these rules, as arising from his then comparative ignorance of the state and nature of the fishery in question. Captain Palliser seems to have been the first governor to give any marked attention to, or to institute regulations for the salmon-fishery, which subsequently extended and increased, until it has become a very large and profitable part of the trade of the country.

Another subject on which His Excellency displayed

great interest, and concerning which he actively employed himself, was the fishery on the coast of Labrador, which, not long previous to his arrival, had been annexed to his government. Himself personally visiting the coast, he readily discerned the advantages which it possessed for the prosecution of the trade, which had been chiefly confined to Newfoundland, as well as of the whaling trade. Certain difficulties had to be overcome in carrying out his designs in this region. The natives were intractable; disorderly Europeans had taken up their abode in the country, wantonly injuring, and thereby further alienating the natives, while the principal hinderance of all arose from the fact that certain Canadians had under the former government seemed to acquire a vested right in some of the best portions of the territory. Notwithstanding these obstacles, the governor persevered in his endeavours. He introduced some of the regulations laid down in the statute of William III., modifying or adding to them by the light of more recent experience. At the same time he laboured to establish a friendly intercourse with the natives; and, as he thought, set aside the pretensions urged by the Canadian settlers. On the whole, so successful were his efforts on this matter, that in the third year of his administration he received a memorial signed by merchants and by merchants' agents on the coast of Labrador, which, while offering suggestions on points capable of amendment, bore grateful testimony to the value of the measures which His Excellency had introduced, as promoting good order among the

fishermen, and affording them security as well from several nations of savages of the country, as from outrages and encroachments from lawless crews resorting thither from elsewhere. Notwithstanding the advantages, however, resulting in the fostering and protecting of this trade derived from its connection with the Government of Newfoundland, so many were the difficulties and disputes arising from the remains of the country's connection with Canada, that it was deemed advisable in 1773 to restore the Labrador to that province.

In the year 1765 two important additions were made to the civil government of Newfoundland. Up to that time it had been regarded merely in the light of a fishery, and not recognised as a regular plantation or colony: consequently, vessels going thither were not thought liable to the same regulations as those going to the other British colonies and plantations. But this year the Board of Trade declared it to be part of His Majesty's plantations. It was therefore decided that the British laws of navigation should be put into execution there, as well as in the other colonies. About the same time also a custom-house was established for the regulation of the trade. The latter institution was not very thankfully received by the merchants and others. It was called an innovation. It was declared to interfere with the free trade of the fisheries. Above all, its table of fees formed a topic of bitter complaint. Still it had become too necessary an establishment to be removed by these clamours, and, as has been well said, by the establish-

ment of a custom-house, and the introduction of the laws of navigation, another pillar was added to the Government of Newfoundland.

Captain Palliser's term of office in the colony expired in 1768, and he was succeeded by the Hon. T. Byron, who, in his turn, was followed by Commodore Molineux (afterwards Lord) Shuldharn. Under these governors there occurred little of public interest affecting the affairs of the country. But at home an instrument was in preparation which was designed for the more complete and orderly regulation of the fisheries and the settlers in the island. The principal agent in promoting and giving shape to this scheme is said to have been Sir Hugh Palliser, who, from his connection with the country, the interest and zeal he had shown in advancing its interests, and these latter qualities amalgamated with a strong professional feeling towards the Crown and the naval supremacy of England, was fitted to be an adviser in reference to a new Act of government which was loudly called for. During his residence in the island he had witnessed the defects of the old system, satisfactory as that had been to parties more careful for their own interests in the trade than for the good of the country concerned, or for the honour and advantage of the nation at large. Accordingly, in 1775 a new and comprehensive law was passed by the British Parliament entitled—*An Act for the Encouragement of the Fisheries carried on from Great Britain, Ireland, and the British Dominions in Europe, and for securing the Return of the Fishermen, Sailors, and others employed*

*in the said Fisheries to the Ports thereof, at the End of the Fishing Season.*

This Act, which was commonly called Palliser's Act, consisted of thirty-seven clauses, and while aiming to give effect to the statute of William III. sought to remedy defects which had been found in its working. The great objects of the new law were, to make the fishery a means of strengthening the navy of the kingdom, by a system of bounties to those engaged in it, to secure to fishermen their proper share in the voyage, to protect them against imposition, and to provide for their return after the season was over. The general character of the Act, and the manner in which it was received by influential parties connected with the trade, cannot be better set forth than in the following quotation from Chief Justice Reeves: —

The last measure taken respecting Newfoundland during this period, was passing stat. 15 Geo. III. c. 31, commonly called in the island Sir Hugh Palliser's Act, it being supposed to have originated from the advice and assistance, principally, of that gentleman. The design of this Act was to favour and keep alive the principle of a ship-fishery carried on from England; one of the regulations of it was to enforce the payment of wages, another to secure the return of seamen and fishermen to this country; the provisions of it are all enforced by a special penalty, the want of which in stat. 10 & 11 Will. III. had been so often lamented.

The nature of the provisions of this Act, and the rigour with which it was easy to enforce them, contributed to make this law very unpopular in the island; and after all the alterations that had been made, without the aid of Parliament, since stat. 10 & 11 Will. III., none was so ill received as this, but being an Act of the Legislature, it was submitted to with silent discontent. When persons concerned in this

trade complain of the innovations made of late years in the trade of Newfoundland, and express a wish to be put on the footing of stat. 10 & 11 Will. III., they mean that they wish to be relieved from this Act of Parliament; and they have many of them no scruple to say that since Sir Hugh Palliser's Act, it is with the greatest difficulty that merchants can carry on the fishery with profit to themselves.

The regulations made by this Act were very important. It was now declared that the privilege of drying fish on the shores of Newfoundland should be enjoyed only by His Majesty's subjects arriving at Newfoundland from Great Britain or one of the British dominions in Europe, which settled the question that had been raised in favour of the colonists. This Act gave several bounties for encouraging industry in the take of fish. It provided for securing the return of the seamen to Europe, by empowering the master to detain out of their wages forty shillings for paying their passage home, and obliging him to see his men put on board passage-vessels. It forbade masters to suffer seamen to take up more than half their wages in articles of supply, and obliged them to pay the other half in cash, or good bills on England or Ireland. It gave to the seamen a lien on the fish and oil for their wages, and to secure the execution of this Act, penalties were annexed to the various provisions, and a jurisdiction given to the Court of Session and Vice-Admiralty to enforce those penalties.

The records of the colony during the years in which Governors Palliser, Byron, and Shuldham presided over its affairs, throw some little light on the internal condition of the country, as well as convey information on other matters of more general historical interest. One of the most obvious features in these memoranda is the hostile spirit they display as entertained by the ruling powers to Roman Catholicism and its Irish

adherents. The following order is inserted several times, with the signature of the different Governors:—

For the better preserving the peace, preventing robberies, tumultuous assemblies, and other disorders of wicked and idle people remaining in the country during the winter, Ordered—That no Papist servant, man or woman, shall remain at any place where they did not fish or serve during the summer preceding.

That not more than two Papist men shall dwell in one house during the winter, except such as have Protestant masters.

That no Papist shall keep a Public House, or sell liquor by retail.

That all children of Roman Catholics born in this country be baptised according to law.

That the masters of Irish servants do pay for their passage home.

Another order addressed to the magistrates equally shows the obnoxious character under which the above parties were regarded:—

Whereas you have represented to me, that an Irish Papist, a servant, a man without wife or family, has put up mark posts in a fishing room within your district—with an intent to build a stage and flakes thereon, and possess the same as his right and property, which practice being entirely repugnant to the Act 10 & 11 William III.

I do, therefore, hereby authorize you to immediately cause the mark-posts above mentioned to be taken down, and warn the person so offending not to presume to mark out any vacant fishing room again as his property, as he will answer the contrary at his peril. You are also to warn other Papists from offending in the like cases, as they will answer to the contrary.

(Signed)

T. BYRON.

Here is another communication to the same effect, while it also indicates the straits to which the Romanists were reduced to procure a livelihood:—

Whereas a great number of huts are erected, possessed and inhabited by Irish Roman Catholics in this harbour, who entertain and keep in the country a great number of rogues and vagabonds, to the great disturbance of the peace and danger of his Majesty's subjects here, and to the exceeding great prejudice of the fishing trade. You are hereby authorized and directed immediately to pull down all such huts or houses, and suffer no more such to be erected hereafter.

(Signed)

HUGH PALLISER.

Notwithstanding the disabilities under which the natives of Ireland professing the old faith laboured, that country furnished a constant increase of emigrants to *this desolate island*, as it is again and again termed in the Records; not only men and women under the protection of their husbands, but even shoals of women by themselves, coming perhaps with the hope of joining their kindred, or for the simple chance of obtaining a better settlement than they had found in their own weary land. The following from Governor Palliser recognises this fact as a great evil:—

Whereas great numbers of poor women are frequently brought to this country and particularly into the port by vessels arriving from Ireland, who become distressed and a charge to the inhabitants, and likewise occasion much disorder and disturbance against the peace of Our Sovereign Lord the King;

Notice is hereby given to all masters of vessels arriving in this country, that from the first day of April next, no

women are to be landed without security being first given for their good behaviour, and that they shall not become chargeable to the inhabitants.

The stringent regulations quoted above against the children of Ireland and the Pope do not appear to have proceeded purely from antipathy of race, or zeal for Protestant orthodoxy, but to have been suggested by troubles consequent on the accumulation of what was considered a foreign, and was certainly at times, a disorderly element. There are frequent notices of disturbances calling for the interposition of the magistracy — disturbances which betoken a disloyal insurrectionary spirit, and in which the Irish were charged with being the chief offenders. A formidable example of this kind occurred in Harbour Grace in the year 1704. It is denominated in the Records a riot, and is said to have arisen from a rebellious disposition towards the British Government, such as was beginning to work in New England, and which subsequently resulted in the achievement of independence, and the establishment of the United States. Authority and law, however, asserted their supremacy in Newfoundland, and a dozen persons were placed on their trial to answer for this daring infraction of the King's peace. The principal accused was Demis Neal, and his name is followed by other Dennises, Learys, McCartys, and Mahoneys, &c., sufficiently betraying the nationality of the defendants.

The indictment against them by the magistrate declared that they and several persons yet unknown, did on the 9th

instant at Harbour Grace, with force and arms unlawfully, riotously, and routously (*sic*) assemble and gather themselves together, to disturb the peace of our Lord the King—and so being then and there assembled and gathered together, in and upon several persons in an unlawful and riotous manner, did make an assault, and ill-treat, and other wrongs did to the said persons. Also on the same day, the above persons, with many others yet unknown, to the number of thirty or upwards, in a warlike manner arrayed, with swords, clubs, and guns, unlawfully, riotously, and routously assembled, did appear in order to interrupt me in the execution of my office, and many other evils did, to the great disturbance of the peace of our Lord the King, and terror of his people, and against the form of the statute in that case made and provided.

The evidence established the guilt of the prisoners to the satisfaction of the jury, who brought in a verdict accordingly; upon which the court passed the following sentence, inflicting a sharp, but inexpensive punishment:—

‘That Dennis Neal shall receive three dozen lashes on his bare back with a cat-of-nine-tails, at the admiral’s stage at St. John’s, on the 20th instant, and three dozen at the Admiral’s Stage at Harbour Grace, on or before the 25th instant, and all the other offenders (except Mr. Felix McCarty), shall receive at the same time, at the last-mentioned place, one dozen each.’ Mr. Felix McCarty was let off by paying a fine of thirty pounds and all the charges of the court.

Promoted by various causes, the resident population of the island went on gradually augmenting, yet without any legal provision existing for the acquisi-

tion of property in the soil. On the contrary, all legal forms were prohibitory of such proprietorship. The country was regarded simply as a fishery, all right in the land being considered as belonging inalienably to the king. Persons employed in the fishery had liberty to take up such a portion of the shore as was necessary to carry on their vocation, without interfering with the like privilege as held by others, and to build on the selected spot such erections as were required for the prosecution of the voyage. But beyond this, no one could lawfully own, for the purpose of cultivating, any portion of the territory. Such a state of things could not continue to exist without leading to inconveniences and frequent attempts to evade the maintenance of the royal prerogative. In the course of time many of the settlers having located themselves on plots of ground, and cleared them, proceeded to enclose them for gardens and for purposes of pasture, thereby quietly setting up a practical denial of the supposition that the country was a desert. Some persons, with larger means enabling them to do the same to a greater extent, and having misgivings as to the validity of their titles, had applied for, and obtained, from the Governor, a recognition of their right in the property, in some cases forming a little estate, which they had taken in. Still this anomalous state of things gave birth to difficulties and disputes as to the boundaries between common privileges and so-called private rights, which increased and became a more serious matter with the growth of the settlements. Under Governor Palliser

the subject had become so pressing, as to call forth an elaborate order from him, which in the margin is entitled, ‘an order relating to the property of land and cutting grass in this country.’ Subjoined are extracts embracing the substance of the Governor’s decision:—

Court House, St. John’s, 28th of July, 1766.

Some disputes having lately arisen about property in land, and a right of cutting grass in this country, the parties being concerned in those disputes being summoned and present, together with all others that pleased to attend, inquiry was made into the ancient customs of this country, when it was agreed by all present that it ever has been a practice allowed of, to enclose spots for gardens and potato grounds, so far back as where no fishing works can be made, but no governor or other person having ever been empowered to parcel out and divide lands, or to pass patents or grants for lands in this country, the whole must be deemed according to the Fishing Act a public common, and free to all persons to cut wood for the uses of the fishery, for fuel, &c., or to turn cattle upon, or to cut grass, and every one may take away what they cut. But of late years several persons have enclosed most of the few places that produce grass, and thence pretend to claim such as their property, and others by putting up marks in certain places in the woods have claimed a property in those places.

In order to prevent these practices, as well as all contests and disputes about such matters in future, I hereby order and direct as follows:—

1st. That all lands that are not actually fenced in shall remain open, public, and common, to all persons without distinction, to cut wood for the uses of the fishery, fuel, &c., to turn cattle upon, and to cut grass.

2nd. That if any of the places now actually enclosed, and hereby permitted to remain so, and are ever hereafter left unfenced in during one year, such places shall revert to the public common.

3rd. That if any person hereafter shall presume to fence in or enclose any lands (other than are so at this day) contrary to this order, all persons are at liberty to take down such fences or enclosures.

4th. That no marks that ever have or may be put up by any person whatever at any place in the woods, shall convey any right or property to such places, or to the wood or grass growing thereon, except the three marshes known by the name of the Torbay marshes, which shall remain to Mr. Justice Gill exclusively, *to cut the grass growing theron*, so long as he remains a justice of the peace at St. John's, and at his death or in case of removal from that office, the same privilege shall be continued to the senior justice of the peace at St. John's. The said marshes, &c.

5th. And at the request of all the people now assembled, I also hereby order and direct that no person whatever shall cut grass on the common lands before the 15th day of August, on the penalty of five pounds, to be levied by the justices of the peace at their quarter sessions, towards the repairs of the Courthouse and Prison.

The subject of the original inhabitants of the island is one which, though much has been written about it, is involved in great obscurity. In the Government records of the period now under review, the only recognition of the existence and condition of the natives, apparently the first official notice of the matter, is in the form of a proclamation, which seems to have been repeated after Captain Palliser's time annually, or at least, on the accession of each new administrator of the affairs of the country. The following is a copy of this document:—

Whereas it has been represented to the king, that the subjects residing in the said island of Newfoundland, instead of cultivating such a friendly intercourse with the savages inhabiting that island, as might be for their mutual

benefit and advantage, do treat the said savages with the greatest inhumanity, and frequently destroy them without the least provocation or remorse. In order, therefore, to put a stop to such inhuman barbarity, and that the perpetrators of such atrocious crimes may be brought to due punishment, it is His Majesty's royal will and pleasure, that I do express his abhorrence of such inhuman barbarity, and I do strictly enjoin and require all His Majesty's subjects to live in amity and brotherly kindness with the native savages of the said island of Newfoundland. I do also require and command all officers and magistrates to use their utmost diligence to discover and apprehend all persons who may be guilty of murdering any of the said native Indians, in order that such offenders may be sent over to England, to be tried for such capital crimes as by the statute of 10 & 11 William III. for encouraging the trade to Newfoundland is directed.  
Given under my hand.

T. BYRON.

(Dated 1769.)

Soon after the cession of Cape Breton by the French, Newfoundland was exposed to the visits of another tribe of Indians, who, in the course of time, found a home in the island, and are said to have been the most destructive enemies of the aborigines. These were the Mic-Macs of Cape Breton and Nova Scotia, where they were suspected of a strong leaning to the French, from whom they had received, in a rude distorted form, the elements of the Roman Catholic religion. In the year 1765, Governor Palliser obtained information that a party of these Indians had landed on the south-western side of the country in the neighbourhood of the island of St. Peter's. His Excellency viewed this introduction of a foreign uncivilized element with great repugnance, as being in

his opinion ‘of dangerous consequence,’ and wrote to that effect to the commandant at Louisberg, urging him to recall the passports he had given, and to issue no more to any of the tribe. At the same time he gave peremptory orders to the intruders to withdraw from the country. The next year the Governor received a communication from the Lieutenant-Governor of Nova Scotia, conveying tidings ‘of the motives and behaviour of the Nova Scotia Indians,’ which he says, ‘were somewhat alarming.’ The principal object of his apprehension seems to have been, the probability that these wanderers were preparing to come in considerable numbers to Newfoundland, with the intention of furthering designs imputed to the French. This scheme, with its supposed ultimate aim, both he and his correspondent were determined if possible to prevent; a resolution, however, which they failed to accomplish, so far as respects the preventing the incursions of the Mic-Macs, who afterwards found and made use of attractive hunting and fishing grounds in the interior of the island.

A subject on which Governor Palliser evinced great interest, in this respect acting under instructions from the Government at home, embraced the condition of the Indians or Esquimaux on the coast of Labrador. In July 1764, a document was issued by him, called ‘An Indian passport for those inhabiting the coast of Labrador, to bring a friendly intercourse between His Majesty’s subjects and them, &c.’ It is addressed to ‘Mr. Hans Haven, to be distributed

amongst the Indians on the coast of Labrador.' This paper sets forth the difficulties to forming any intercourse with the aborigines, from their own naturally suspicious character, strengthened by 'the imprudent, treacherous and cruel conduct of some people who have resorted to that coast, in plundering and killing several of them.' Three months later, another passport was given to 'Four of the brethren of the *Unitas Fratrum*, viz. John Hill, Christian Drachart, Jens Haven, and Christian Andrew Schlozer,' who are described as being sent out by their brethren who, 'from a pious zeal for promoting the knowledge of the true God, and of the religion of our blessed Lord and Saviour Jesus Christ, had formed a resolution to establish a mission on the coast of Labrador for that purpose.' All His Majesty's subjects are commanded 'not to give any interruption or hinderance to the Missionaries, but to afford them every aid and friendly assistance for the success of their pious undertaking.' These memoranda are interesting as relating to the foundation of the Moravian settlements on the coast of Labrador, by which a great amount of Christian good has been accomplished, though dealing with one of the most unpromising branches of the family of mankind.

It would unduly extend this work to enter further into the details furnished in the records of this period. We find in them references to bad fisheries made worse by idleness and neglect, to wanton destruction of the forests by setting them on fire, to the insufficiency of the regulations for the trade, to the selfish-

ness of fishing masters leaving their servants behind them at the close of the season, in what is usually termed this desolate country, and also to the frequent exactions and fraud of planters on those whom they had hired for the voyage. On this latter point a short extract may be given, as exhibiting a rude sort of equity in the authorities when dealing with a scandalous offence:—

*By His Excellency Hugh Palliser, &c., &c.*

John Goding having let his servant Robert Pereel run out the whole of his wages, and now discarded him in this desolate country, the said John Goding is hereby ordered to pay his passage home, and till he does so (to prevent his being necessitated to rob other people) the said Pereel is hereby authorized to enter the house or habitation of the said Goding, and there abide, and take necessities for his subsistence (but nothing else), without being liable to any prosecution for a trespass or robbery for the same.

Given, &c., in Court 19th October, 1767.

HUGH PALLISER.

There is one other fact of some interest which deserves to be mentioned before bringing this chapter to a close. It relates to the connection between Newfoundland and Cook, the great navigator. In the earlier part of his career he had attracted the favourable attention of Captain Palliser, who procured his promotion in the service. Both the patron and his protégé were engaged in the expedition of Wolfe for the reduction of Quebec. In 1762, Cook took part in the recapture of St. John's from the French. He was soon afterwards appointed to make a survey of

the island, and when his old friend became Governor, he continued his task with every encouragement from the local authorities. It occupied him until 1767, by which time he had surveyed the whole coast of the island, as well as the neighbouring shores of Labrador. He had also explored the interior in several directions, laying down the position and extent of some of the larger lakes. In addition to these labours, he had taken observations of an eclipse of the sun at one of the Burgeo islets, the record of which was sent to the Royal Society, and published in a paper of the Philosophical Transactions. His charts of the coasts and seas of Newfoundland are still in use, being among the best, and in some cases, the only reliable ones. More than one house is at the present day pointed out as having served Captain Cook for a temporary abode, and several cairns of loose stones used by him as stations of observation are said to be standing in the western parts of the country.

## CHAPTER VI.

1775—1788.

IT has been mentioned in the previous chapter that in the year 1775 Newfoundland was made to feel severely the effects of the revolt of the colonies on the North American continent — being deprived, by that event, of the supplies which she had been accustomed to receive from thence. Though the first sharp sufferings arising from this deprivation were in a short time ameliorated, yet, for long afterwards, the country was doomed to suffer from the same cause, partly in the same manner, and partly from the more direct effects consequent on the progress of hostilities. The confederated States, as they were termed, displayed more force and ability, as well as stubbornness, to sustain the conflict in which they had embarked, than was expected from them, while their chief military affairs were under the direction of a man who, by his generalship, his civic capacities and virtues, and especially by his pure patriotism, was building up for himself a reputation which to this day commands the homage of the world.

But the contest in which Great Britain was involved with her refractory subjects was not the only,

perhaps not the greatest, difficulty with which she had to contend at this period, though the rebellion of her dependencies gave birth to the other demands on her energy and resources. The dispute between the mother-country and her distant children was seen to be a good opportunity for the old enemies of England to strike a blow at that empire which had so often humbled them. Both France and Spain looked with favour on the independent spirit and action of the plantations in the west, and were not long in lending themselves as auxiliaries in the strife. The former welcomed with open arms the representatives of the Congress, lavished praises on them and their country, and prepared to give substantial aid to the infant assertors of territorial independence and the rights of man. The consequence was, that in addition to the sore task of quenching a rebellious flame which raged from Florida to the shores of the St. Lawrence, Britain was involved at the same time in contests with the two principal naval and military powers in Europe. As the result of this complication of interests, ambitions and jealousies, hostilities were not confined to the western borders of the Atlantic, but were carried on in every sea where British ships could meet with vessels of Spain or France, and on every coast where the two latter powers on the one side, and Great Britain on the other, had possessions or interests inviting attack. These naval conflicts were maintained with varied success, the great preponderance of advantage and glory being with the English flag. Under that flag, a former governor of

Newfoundland, Sir George Bridges Rodney, made for his victories Lord Rodney, whose administration of the affairs of the colony thirty years before has been noticed in this work, performed the greatest services for his nation, and received at the nation's hands the meed of highest renown bestowed in that age.

It was not until the early part of the year 1778, that a treaty, offensive and defensive, between France and the United States, was concluded. But in anticipation of that measure, and to guard against a stroke of policy, of which the British Ministry had made use at the commencement of the former war, an order had been issued from Versailles, dated August 1777, recalling all the French fishing-ships with their crews from the banks and coast of Newfoundland; an order to which effect was given in the beginning of the month of October, by the sudden departure of all the French vessels and fishermen from these waters. This was a step which confirmed the apprehensions of the Government at home, in respect to the negotiations which the Court of France was carrying on with the mutinous colonies.

From this time for several seasons British fishermen in Newfoundland enjoyed that desideratum which has often been sighed for since;— they had the fisheries to themselves, neither American nor Frenchman appearing to compete with them in gathering the harvest of the seas. But unhappily this advantage was attended with a drawback by which it was more than neutralised. The privateers of the enemy were

so active all around the shores, that the poor fisherman lived in constant dread of seeing his boats and the result of his voyage taken away from him, and his house destroyed over his head.

Rear-Admiral Montagu\* was governor of the island at the time when the rupture with France took place. He was the first of so high a naval rank appointed to administer the affairs of the colony; and his selection was probably due to the necessity of having an able hand to deal with the American aggressions. He displayed considerable vigour in providing for the defences of the country, and distinguished his term of office by the reduction of the French islands, St. Peter's and Miquelon. In employing himself in this latter needful measure, he furnished a contrast to the spirit of a correspondence in which he was engaged when entering on his office. In 1776 he received a flattering letter from the Baron de l'Espérance, Governor of St. Peter's, congratulating him on his arrival, and speaking of the 'fond idea' which the writer had 'of the English officers, and of His Excellency in particular.' The purport of the letter was to ask, 'for the love which the two nations bore to each other,' that the subjects of the most Christian king might be allowed to supply themselves with timber from the neighbouring shores of Newfoundland under the sway of the gracious Sovereign of Great Britain. The admiral answered this epistle in a like cordial spirit, though expressed, as was

\* Between Governors Shuldham and Montagu, Commodore Duff filled the office.

natural to an Englishman, in less exaggerated terms, and granting the privilege prayed for. Yet in two short years afterwards he was compelled to give the stern order to take or destroy all the property of the subjects for whom the baron had so eloquently and successfully pleaded; and even to send the people themselves (to the number of 1,932) away from the stages and the houses made out of the wood which he had granted them, to seek another home in France.

In 1779 Rear-Admiral Edwards succeeded to the government of the colony, in which office he continued until 1782. His time and efforts were taken up nearly altogether in directing measures for the protection of the country, and in meeting the internal evils which the state of hostilities produced. Among the latter, not the least was the difficulty of securing a sufficiency of provisions for the thousands of resident people which the island contained. This difficulty is referred to in the following circular letter sent to the justices of the peace, commanding a census to be taken of the population:—

You are hereby required and directed to take an account of all the houses and huts in your district, and report to me without loss of time, the number of inhabitants in each house, or hut, and also by whose order and permission the huts were built. And whereas, there is an appearance of a scarcity of provisions throughout the island, you are to take a strict account of all the winter men engaged by the inhabitants for the ensuing winter, and report to me the numbers engaged and the persons to whom they are engaged for my further consideration and direction. Given under my hand, &c., St. John's, Sept. 20, 1779.

R. EDWARDS.

While there was much straitness and suffering from the want of supplies cut off by the progress of the strife, the poor people of the outport districts especially endured much from the direct invasions of the enemy. This was an evil which the Governor could do little to prevent or mitigate. The protection of the capital was a matter deemed of such importance as to tax his personal endeavours, and the resources placed at his disposal were too limited to enable him to do anything for the smaller settlements beyond encouraging them to defend themselves.

Thus Governor Montagu, ‘having received information from the different harbours to the southward that small American privateers, from six to ten guns, had threatened to destroy them, and had already burned several boats,’ wrote a letter to the principal merchants of many of the fishing harbours, in which he declared that he had frequently reflected with the utmost concern on their defenceless position and misfortunes, yet ‘it gave him infinite concern,’ that it was not in his power with the ships under his command to afford a protection that should effectually prevent such insolent invasions; and he imagined that the only method left was their joining unanimously to erect small batteries to defend their harbours against such attacks; for their encouragement in which good work, he had His Majesty’s permission to furnish them with guns and ammunition in proportion to the exertions they should make, and the importance of the places that should accept such proposals.

In general the loyal spirit of the people prompted

them to do all that was in their power to meet the exigency in which they were placed, and to comply with the desires and suggestions of the Governor. They constructed batteries, mounted them with guns, and manned them, their applications to the authorities being mostly restricted to a petition for more guns, and a plentiful supply of powder. While such was the predominant disposition displayed throughout the settlements there were not wanting indications of a less patriotic sentiment. As a specimen of the general loyalty in association with an opposite feeling, as well as affording a glimpse of the condition of the people as affected by the war, the following letter is inserted addressed from the fishing harbour of Renews to His Excellency the Governor. It is dated July 29, 1778, and subscribed by nine names:—

Please your Excellency, we, the humble petitioners, send this petition to inform you of the dangerous situation which we at this time are in, as the enemy (say a brig of twelve guns) has been on the fishing ledge, and destroyed eight large shallop and craft: and had he had wind, would have destroyed all of them: and it was but yesterday made his appearance again, but blowing fresh, could not catch them. We likewise beg leave to represent to you that we are in a dangerous situation from the behaviour of some bad people of this harbour, who have said they only want to see an American armed vessel come in here, and they will join with them and plunder the stores. We, the merchants and traders of this place, had thrown up some intrenchments, and had four guns mounted, loaded, and properly shotted, and yesterday should have mounted two more, but some of the people (and please your Excellency, inhabitants of this harbour we know it to be) went between the hours of ten and eleven at night, threw down our flagstaff, where His

Majesty's colours had that day (the 26th inst.) been displayed all day, over the cliff, and even carried away the halliards; and even took out the tampions of the guns—took off the aprons, and took out the vents, and poured in wine in them both at muzzles and vents, and likewise put one of them in the dirt, muzzle down, twelve inches.

Therefore, we, His Majesty's loyal subjects, do humbly beg your Excellency will take it into consideration, and hope you will send us some protection, as the Americans sent us in word that they would, the first fair opportunity offered—they would pay us a visit and plunder our stores. If you think it not necessary to send a sloop of war at Fermeuse (for we don't desire to have His Majesty's ship here in this place, as it is a dangerous harbour to lie in: but Fermeuse is a fine and safe harbour, and lies an equal distance from Renews and Ferryland) hope your Excellency will find a few soldiers and arms, and four or five guns, what weight of metal your Excellency thinks proper, as we conjecture of the situation of the place we have got to place them, that they must do a deal of execution on any vessel or vessels which should attempt to come in the harbour. Hope your Excellency will likewise grant us some powder and shot, and we will spare no cost nor trouble on our parts in fixing a place for the defence of the property of His Majesty's subjects. But we humbly hope your Excellency will take it into consideration about the inhabitants of this place, that we are more in danger from some of them than from the Americans, as they are determined to plunder the stores and turn rebels; and if your Excellency sends us some succour, either here or at Fermeuse, we hope it will damp their audaciousness. Therefore we hope your Excellency will take it into consideration, and send us some relief: if not, we must leave the fishery and carry home our effects; and we hope your Excellency will grant our petition, and your petitioners will be in duty bound to pray for your Excellency for ever—and wishing your Excellency health and prosperity, remain your Excellency's

Humble Servants to command.

To enable the people the better to defend themselves 1,500 stand of arms were sent out from England and distributed in the different harbours throughout the island. To guard against the attacks of privateers, several vessels of war were kept continually cruising about the coast, which succeeded in capturing a good number of these annoying visitors.

The principal care of Governor Edwards was to provide for the security of St. John's, which, as it would have been a most valuable prize, was frequently threatened by the enemy, and this more especially after the French had recognised and entered into alliance with the United States. Under the superintendence of the governor, great activity was displayed in strengthening the defences of the city. A new fort, called Fort Townshend, was being erected on a height commanding the harbour from its north-western side. This work was urged forward to its completion, and was said to be capable of containing a thousand men. The number of regular soldiers in the capital was four hundred and fifty-nine, and to these were added two hundred volunteers, who were sworn to learn the use of arms with the utmost assiduity, and in case of an actual invasion, to submit to be embodied, to be subject to martial law, and to take all fatigue, and to do all duty that is usually expected from His Majesty's troops.

On taking his departure to England for the winter season, the Governor left behind him a detailed code of instructions for the direction of the garrison and the citizens, in case of an attempted invasion during

his absence. In this interesting paper, he prescribed what signals should be made by the fort nearest the sea, should an enemy be descried; what number of men should immediately proceed to hold the forts in the Narrows to hinder or prevent the passage; what steps were to be taken in the city to oppose a landing should the Narrows be forced. In case all these efforts should fail, each party of the defenders was directed, after spiking the guns in the several batteries, to retire into Fort Townshend, which, so long as it could be held, would render it impossible to retain possession of the city and harbour. The value of these provisions was never put to the test, no serious attempt being made to capture St. John's, though the garrison was kept continually on the alert, and the people often put in a state of alarm by rumours of a coming invasion. One more authentic than usual was communicated by the Governor himself in a letter written from London on April 3, 1780. In that letter he states that Lord George Germain, one of His Majesty's principal Secretaries of State, had informed him that an armament was preparing at Brest, consisting of a considerable land and sea force, which, it was suspected, had the destruction of the Newfoundland fishery and the taking possession of that island among the objects of its destination. It was, therefore, the king's pleasure that the officers commanding the troops and ships at St. John's should be apprised of what were apprehended to be the designs of the enemy, that they might be put on their guard, and take every measure in their power to make a vigorous

resistance in case of an attack. In another letter, written at sea on June 12, the Governor refers to the same subject, speaking of the armament as having sailed on May 2, as was supposed, for some part of North America. It is described as a squadron, with twenty transports, imagined to contain four thousand men. It bore no danger to St. John's, however, but was, probably, the fleet commanded by the Chevalier de Ternay, which soon afterwards appeared off Rhode Island, with some thousands of troops which had been despatched in aid of the army of the Congress.

A more positive ground of apprehension was furnished a few months later. One of the ships of the Newfoundland squadron fell in with and captured the packet Mercury with Mr. Laurens, late President of the American Congress, on board. In the vessel also was seized a number of papers of consequence, one of which was of the highest importance to Newfoundland, Nova Scotia, and Canada. From this paper, the governor concluded that the enemy looked 'on this island with a jealous eye,'—and it was his opinion that if 'they could unmolested get together a force sufficient' to attack St. John's, they would be likely to visit it in the spring. To guard against this, he ordered the enrolment of three hundred additional men; and directed the garrison to exercise increasing vigilance and be well prepared to resist any assault. This alarm, like the others, was not realised, though it called forth an earnest expression of loyalty from the volunteers and citizens generally.

—the grateful acknowledgement of which was one of the last official acts of Governor Edwards.

By this time, the war was drawing towards a close. The prospect of subduing the colonies, or of bringing them back to their allegiance, grew more and more hopeless. The capitulation of York Town, and the surrender of Lord Cornwallis and his army in 1781, so strengthened the feeling in Great Britain in favour of peace, that negotiations were set on foot to bring about this consummation. And in 1782 preliminary articles were signed, ‘to be inserted in, and to constitute, the Treaty of Peace’ between Great Britain and the Independent States of America.

In 1782 Vice-Admiral John Campbell succeeded to the government of the colony—a gentleman whose administration appears to have given equal satisfaction at the station and to the authorities at home. He possessed a spirit and was characterised by manners in accordance with the more liberal and enlightened feeling which was rising in England, and extending to Newfoundland. One evidence of this feeling was shown in a more tolerant dealing with differences in religious opinion and worship. Examples have been furnished in this work of the harsh measures which issued from the Government against the exercise of the Roman Catholic faith. In contrast to those measures, it is proper to record an order given by Governor Campbell in 1784, to the respective magistrates throughout the island:—

Pursuant to the King’s instructions to me, you are to allow all persons inhabiting this island to have full liberty of

conscience, and the free exercise of all such modes of religious worship as are not prohibited by law, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to Government.

(Signed)

JNO. CAMPBELL.

Previous to sending out this order (in 1782), an application had been made to His Excellency by John Jones, dissenting preacher, asking a continuance of the permission which he and the little community over which he presided, had enjoyed from preceding governors, of exercising their religion according to their profession of the Christian faith. In reference to this application the petitioner says: ‘The Governor’s conduct was beyond all expression gentle, mild, and good-natured; and he gave for answer—that so far from preventing, he should do all in his power to further it.’

In 1784 a Roman Catholic clergyman, the Rev. James O’Donnel, came to St. John’s, and obtained full liberty to perform all the rites and ceremonies of his Church. He was also authorised to conduct marriages, and received permission to build a chapel, of which he laid the foundation the same year.

Reference has been made several times in former chapters to the common practice of inflicting corporal punishment on criminal offenders by means of flogging at the whipping-post. This convenient, but brutal mode of chastising evil-doers, was to continue for many years to come; but in 1785, proof was afforded that the public was becoming sensible to the degradation of the custom. It was difficult to find persons to perform the odious

service of inflicting the punishment. This duty was considered to devolve on the constables of the several districts. One magistrate writing to the Governor, attested their unwillingness to discharge this service, though he himself thought it a very proper one, alleging that there are offences for which there is an absolute necessity that corporal punishment should be inflicted; but finding, he says, ‘that, a year or two past, the business of whipping being executed by them with a vast deal of reluctance, I endeavoured to get a person to do that duty for them; and meeting with a poor needy wretch, with the assistance of a few guineas, got him to stand on such occasions in the place.’

But this substitute soon afterwards having given up the work in disgust, the magistrate was reduced to the alternative—either ‘to make the constables for the time being do the said duty which others have done before them, or to discharge the most infamous villains with impunity.’ He therefore, in the case of an offender whom he had sentenced to be whipped, assigned the task to the three constables, ‘by dividing the number of lashes between them according to established custom.’ But one of the constables sturdily refused; and the whole work fell to the other two. The non-compliant officer was put in confinement; but his obstinacy was unsubdued. The magistrate reports that he ‘again and again refused, alleging that he had taken an oath never to flog a man. I therefore left him in the state I found him, and refer the case to your Excellency’s determination.’

In the same year an important commission of enquiry was appointed by order of the Governor. It arose from the extensive private encroachments on the grounds which by the Acts of Parliament were declared to be public for the use of the fishery, technically called ships' fishing-rooms. In the progress of time there had been a gradual appropriation of this land in the harbour by persons resident in St. John's, who, without any positive title, held possession of it, and left it to their heirs as their own real property. The reason for issuing a commission of enquiry into the matter was, singularly enough, that the king was chargeable with such encroachment. It appears that in 1782, Lieutenant-Colonel Pringle, commandant of the garrison, had caused an ordnance store to be built on the north side of the harbour, and also a wharf running out from the store. In 1783 the store was burned down, and when the question was entertained about rebuilding it, the objection was brought that the place belonged to fishing-ships' room, and therefore, neither the king's store nor the king's wharf had any right to be there.

When the Fishing Admirals entered on the enquiry into encroachments in general, they were met with this difficulty, that no one would give any evidence implicating his neighbours. The first witness 'being called upon, and the oath tendered to him to speak the truth, the whole truth, and nothing but the truth, relative to the encroachments made on fishing-ships' rooms in the Harbour of St. John's, refused to take such oath;' and on being pressed and threatened with

imprisonment if he persisted, he declared ‘that he would much sooner be imprisoned than lose his life; for if he were to speak all he knew relative to the encroachments, he was sure that he should be murdered in a few days.’ The result of examining other witnesses was equally unsatisfactory, and the Governor’s deputy at the head of the commission could give no better account of the work than the following:—

I have made it my particular business to enquire into the encroachments made on fishing-ships’ rooms, and find that some of the rooms are wholly enclosed and built upon, others, the landing places are shut up, and upon the whole, the encroachments are so numerous, and the people here so averse to speaking to them in public, that I am of opinion, it is next to an impossibility to determine the property of the fishing ships.

There was, however, one exception to this general reluctance in giving evidence on the matter in question. The king seems neither to have been an object of partiality to the citizens, nor to have imposed on their fears. For there was a sufficient number of witnesses to demonstrate, with convincing clearness, that the king’s wharf and the king’s ordnance store had no business where they had been placed, but were trespassing on the chartered property of the fishery. And it was not until some time afterwards, and in consequence of special directions from the Secretary of State, that provision was made to meet ‘the absolute necessity of a wharf and storehouse for the use of the ordnance at St. John’s, in the island of Newfoundland.’

Governor Campbell was succeeded by Rear-Admiral Elliot, who is described as discharging the duties of his office with intelligence, prudence, and firmness, notwithstanding that he had to perform a task of great difficulty, and in which he met with much harassing opposition. This work will be noticed in treating on the administrative changes introduced during this period. In the first year of his being at the colony, there occurred a pleasant piece of correspondence between the Governor and His Royal Highness Prince William Henry, then Captain of His Majesty's Ship Pegasus, afterwards King William IV. The Prince's letter is interesting, as showing the respectful subordination characterising the highest personages of the realm in their intercourse with the recognised authorities of the State. The letter from which the extract is taken is dated Placentia Harbour, August 22, 1786:—

The reason of my sending this express to your Excellency is owing to the arrival of a Dutch brig bound from St. Eustatia to Rotterdam, loaded with sugar, coffee, and cotton, in very great distress at Little Placentia, at which port she has been regularly surveyed by the carpenter of His Majesty's Ship Pegasus and two others, and reported unfit to proceed to Holland, the report of which survey I have the honour to enclose, signed by the carpenters. And as it is an unusual case, and the Act of Parliament for the better regulating of the Trade of Newfoundland does not provide for vessels in her situation, I thought proper to refer her case to your Excellency, requesting your decision on this head.

(Signed)

WILLIAM.

Equally appropriate, characterised by a due sense of the dignity belonging to his own position, is the Governor's reply to this letter. At its close he thus speaks in terms of modest commendation:—

Your Royal Highness will permit me to embrace this opportunity of conveying to you my thanks for the very great attention paid by your Royal Highness to such minute points of your duty, and of acknowledging the regularity and propriety with which this particular business has been transacted by Your Royal Highness.

I have the honour to be, &c.

J. ELLIOT.

The expense of the Civil Government of the colony in its higher branches at this period does not appear very great.

Estimate of the sums necessary to pay the salaries of the Governor and Civil Officers in the Island of Newfoundland from April 1, 1787 to April 1, 1788.

	£	s.	d.
Salary of the governor* . . . . .	500	0	0
The governor's secretary . . . . .	182	10	0
The judge of the admiralty . . . . .	200	0	0
The naval officer . . . . .	100	0	0
The agent . . . . .	100	0	0
On account for fees on receipt and audit .	100	0	0
Total . . . . .	<u>£1,182</u>	<u>10</u>	<u>0</u>

In a letter addressed by Governor Elliot in August 1788 to Lord Sydney, Secretary of State, he writes:—  
‘I have the honour to inform your lordship of my

\* It should be remembered that the Governor was also admiral of the fleet and commodore of the station, which made his position —especially in time of war, when prizes were abundant—a very lucrative one.

arrival here on July 27, and that I had the satisfaction of finding the fishery in a very flourishing state, and everything peaceable and quiet throughout the island.'

To the latter favourable feature there seems to have been an exception during the preceding winter. From a memorial purporting to come from 'the magistrates, principal merchants, traders, and inhabitants of the district of Ferryland,' to which nineteen names are subscribed, His Excellency learnt, that there had been such manifestations of a riotous, lawless spirit that the memorialists were in fear for their lives and property, and considered themselves in absolute need of military protection.

From the scanty notices which have come down to us of this affair (and though scanty, they represent it as being serious, and calling forth strong effort and severe punishment in the repression of the evil), it seems to have arisen out of the bitterness of religious animosity. The Irish Roman Catholics, so long held down, having had their bonds relaxed, were disposed to use their freedom with angry wantonness, and to take vengeance on those who belonged to the side of that Protestant ascendancy by which they had been oppressed. That the riot was of the character and origin ascribed to it, appears, first, from the fact that in the directions of Governor Elliot to the people of Ferryland, to cooperate with the naval force sent for their protection, he advises the formation of a committee from the Protestant inhabitants; and, secondly, in a letter from the same authority to the officer who

had been successfully employed in the repression of the riots, the writer states that an admonition had been addressed to Father Power and to Father O'Donnell (priest at St. John's), from which he was led to hope that there would be no more trouble.

During the period embraced in the narrative contained in this chapter, some important changes were made in the civil regulations of the colony, for a proper understanding of which it is necessary to make a brief recapitulation of what had been done previously in relation to this matter. By the Act of William III. nearly all the local governing power had been invested in the Fishing Admirals of the several harbours. Part of this power involved a civil jurisdiction, as the hearing and determining controversies and differences between the masters of fishing ships and the inhabitants or by-boat keepers concerning the right and property of fishing-rooms, &c. Besides this, another jurisdiction was given by the Act to the Fishing Admirals, partaking of the nature of a police authority, to preserve peace and good government among the *seamen and fishermen* — a limitation as to persons, which seemed purposely to exclude the merchants and adventurers from amenability to this rude authority. Provision was made in the Act for an appeal from the decisions of the Fishing Admirals to the commanders of the King's ships; but in the course of time, as might have been expected, the Admirals, being themselves employed in

the fishery, became very sluggish in the exercise of their judicial functions, and the commanders of the King's ships could scarcely prevail on them to hold their proper courts. The consequence was that gradually the latter, from being only a court of appeal, went on to exercise the functions of an original court, and, to use the words of Chief Justice Reeves, 'the statute of King William grew to be looked on as a dead letter; and the administration of justice in all the points as there conferred on the Admirals was expected from nobody but the commanders of the King's ships, when they came to the island in the summer season.'

These commanders received from the Governor the title of *Surrogate*, a name well known in Newfoundland as designating a person deputed by the Governor to act in his stead in the outports. Under this character, the authority of the Governor was generally exercised in a beneficial manner. But by degrees, as the Surrogates had usurped the functions of the Fishing Admirals, they enlarged the sphere of their jurisdiction, taking cognisance of debts contracted, and holding courts, 'in which they enquired of, heard, and determined, all possible causes of complaints.' 'While the Surrogates in the different parts of the island were administering justice in this manner, the Governor had also his court at St. John's; and it is easy to believe that everything which the Surrogates permitted to themselves, the Governor thought himself equally entitled to do and command. Every

matter, civil and criminal, used to be heard and determined in open court before the Governor.\*

But there was a limitation to the action both of the Surrogates' courts and that of the Governor in the fact that they were only held during the fishing season. For the resident population there was needed an administration of justice through the winter. This devolved on the Courts of Session, composed of the justices of the peace for the several districts. In the year 1765, on a custom-house being established at St. John's, a court of Vice-Admiralty was placed there, which court in the absence of the Governor during the winter took cognisance of other matters than those which peculiarly belonged to it. Indeed, the Court of Session and the Court of Admiralty, following the example of the Surrogates' and the Governor's courts, enlarged the sphere of their authority, and assumed the right to adjudicate 'in matters of debt and other subjects of difference of a civil nature.'— By an Act passed in 1775, the Vice-Admirals had authority to determine disputes concerning the wages of seamen and fishermen, and the offences committed by their hirers and employers against that Act. This power was subsequently (stat. 26 Geo. III.) withdrawn, 'owing to the unfavourable impressions that had been made respecting the practice which had prevailed in that court.' But, 'although the Parliament took away from the Vice-Admiralty court the

\* It has been mentioned in Chap. IV. that a court of Oyer et Terminer was instituted for the trial of grave criminal offences in 1750.

authority vested in it by law, it still continued to exercise that which no law had confirmed, and both that court and the Sessions were resorted to, in the absence of the Governor and Surrogates, for the administration of justice in all civil cases whatsoever.\*

Justice so administered, without a proper legal foundation, was, as may be supposed, of only partial authority. It was a convenient instrument by which the merchants and others, knowing the unauthorised character of the decrees they obtained from the court, yet could employ them to overawe the poor and ignorant. But when such decrees were directed against themselves, they were not so ready to honour them by obedience. In fact, Governor Edwards had to compromise an action which was brought against him in England by some parties who considered themselves aggrieved by a judgment which he had passed, and caused to be put in execution by the Sheriff at St. John's. Governor Campbell, warned by the danger incurred by his predecessor, would not take on him to sit in court, nor to determine any causes whatsoever. He resorted to a more prudent plan, and one which to a great extent met the difficulty in which he was placed. ‘The petitions which used to be brought to the Governor in great numbers upon all sorts of questions and subjects were still received as before; but instead of holding a court, and making decisions which were enforced by the Sheriff, he directed his secretary to hear the complainant, and if

\* Reeves.

necessary, the party against whom the complaint was made, and thereupon to write at the bottom of the petition the Governor's opinion, and give such advice as, if followed, would have the effect of complete justice.'

Still, as there is a natural preference in the minds of men for the forms of legal authority, even though to the initiated they are only forms, over the deliverances of mere counsel and opinion, the Courts of Session and Vice-Admiralty drew to them an increasing number of suitors, to the gradual neglect of the mode of applying by petition to the Governor. But as the two courts derived the augmentation of their business from the necessities of the community, which could not endow them with the real authority which was wanting to their very constitution, such a fountain of authority was the more earnestly desired, and at length there appeared a governor who thought that he had discovered, in his own commission the elements out of which it might be supplied. But the notice of his device must be reserved for the next chapter.

The Act which was passed in 1786 (26 Geo. III. cap. 26) contained two important provisions, relating to the fisheries and the trade of the country. The first was a renewal, with some slight alteration, of the bounties awarded to the fishermen by the Act of 1775. As the character of that grant has not been explained, it may as well be exhibited here. It provided that the one hundred vessels which, having cleared out from any British port after January 31, should

proceed to the banks of Newfoundland, and having caught a cargo of fish upon those banks, consisting of not less than 10,000 fish by tale, and should be the first to land the same in any of the ports of the island between Cape St. John and Cape Ray on or before July 15, in each year, and should make one more trip at least to the said banks and return with another cargo of fish caught there to the same port, should be entitled to 40*l.* each, provided that each such vessel was navigated with a master, and at least three-fourths of the mariners being British subjects, usually residing in His Majesty's European dominions. The one hundred vessels which should next so arrive in order of time, fulfilling the above conditions, were to be entitled to 25*l.* each. Some minor 'conditions, limitations, and restrictions' are laid down in reference to both the above classes, which, though too minute to transcribe here, evinced the earnest endeavour of the government to make the Newfoundland fisheries minister to the strength and increase of the materials for the recruiting of the British navy.

Another important section in this Act related to the importation of provisions for Newfoundland and the fishery. Before the war these had been largely obtained from the colonies. During the struggle, the supply from this quarter was cut off. And after the recognition of the independence of the United States, the question arose as to how far this intercourse should be renewed. 'The allegations on both sides, of those who argued for a supply under certain limits

from the United States, and of those who were wholly against this intercourse, led to long examinations of witnesses before the Committee of Privy Council. The result of the deliberations of the Committee is seen in Section XVII. of the 26 Geo. III. cap. 26, which allowed bread, flour, Indian corn, and live stock to be imported from America, but only in British bottoms. This license was in the first instance limited to one year only, but afterwards was renewed.

By the treaty of Versailles in 1783 an important alteration was made in the boundaries as laid down by the treaty of Utrecht, separating between that part of the coast of Newfoundland in which the French had a concurrent right in the fishery, and that part which was exclusively British. On the eastern coast, the French king ‘consented to remove the right of fishing which belonged to him in virtue of the aforesaid article in the treaty of Utrecht from Cape Bona Vista to Cape St. John.’ ‘And His Majesty the King of Great Britain consented on his part that the fishery assigned to the subjects of His Most Christian Majesty, beginning at the said Cape St. John, passing to the north, and descending by the western coast of the island of Newfoundland, should extend to the place called Cape Raye,\* instead of stopping at Point Riche.’

The Act from which the above recital of the definitive treaty of Versailles is taken is entitled—‘An Act to enable His Majesty to make such regulations as may be necessary to prevent the inconvenience which might arise from the *competition* of His Majesty’s

\* 28 Geo. III. cap. 35, preamble.

subjects and those of the most Christian king in carrying on the fishery on the coasts of the island of Newfoundland.' This statute is of considerable importance, as it seems to convey a larger concession to the French than is recognised in any previous statute or treaty. Its provisions are designed to carry out an engagement made by His Brittanic Majesty to the French king, 'Not only to insure the execution of the last-mentioned treaty with his known good faith and punctuality, but to give all possible efficacy to such principles as may prevent dispute; and that the fishermen of the two nations may not give cause for daily quarrels, was pleased to engage that he would take the most positive measures for preventing his subjects from *interrupting in any manner by their competition* the fishing of the French during the temporary exercise thereof, which is granted to them upon the coasts of the island of Newfoundland, and that he would for that purpose cause the permanent settlements which should be formed there to be removed, and that he would give orders that the French fishermen should not be incommoded in the cutting of wood, necessary for the repair of their scaffolds, huts, and fishing-boats.'

This Act, or rather the engagement which it acknowledges to have been made by the British government in furtherance of the French fisheries on the ceded shores, is regarded by the authorities of France as having enlarged their privileges over what they had been previously, and this alleged enlargement has by some been argued to confer an exclusive

right over the coasts and waters in question—a conclusion, however, which has always been successfully resisted by those entrusted with the charge of the British fisheries.

There are a few miscellaneous facts belonging to this period which deserve a brief notice before bringing this chapter to a close. And, first, as to the population contained in the island. In Sir Richard Bonny-castle's '*History of the Settlement of Newfoundland*' it is stated that in 1785 the resident inhabitants had reached the number of 10,244. In the work on '*British America*,' by Murray, in the Edinburgh Library, the same statement is made; while Montgomery Martin, in his '*History of the British Colonies*,' gives 10,701 for the year 1784. In the ninth volume of the '*Records of the Colony*,' there is an entry for the year 1780, which helps us to form an idea of the number of persons habitually dwelling in St. John's. The entry relates to a proposed alteration in the streets and lanes of the town, for effecting which every householder was rated to do, or to pay for, one or more day's work, in proportion to his means and his position; the names of all the householders liable to the rate are given, the number given being 321. Now, supposing this list of the householders in St. John's to be complete, and that each household contained five persons, which, considering the number of servants employed in the fisheries, is perhaps not too large an average, this would give 1,605 souls dwelling in St. John's; and supposing the inhabitants of the capital bore the same proportion to those of the whole

island then as they do at the present time, viz. about one-fifth, then the entire population of the colony would be somewhat over 8,000 in 1780; or if, as is more likely at that period, St. John's had not so large a proportion of the whole population as it has now, then the figures would more nearly approximate to those given by the writers before mentioned.

In 1787 Dr. Inglis was appointed Bishop of Nova Scotia, and in the same year the Governor of Newfoundland received royal instructions, informing him that that island was within the see of the said Bishop, to whom His Excellency was enjoined to give all fit support and countenance, in the exercise of his jurisdiction, spiritual and ecclesiastical, according to the laws of the realm of England. The Governor was in the same instrument commanded to permit liberty of conscience, and the free exercise of all modes of religious worship, to all persons in the island, who should be contented with a quiet and peaceable enjoyment of the same without giving offence or scandal to government.

In the same year a curious petition was presented to the Governor, signed by the chief merchants of St. John's, representing that they saw 'with sorrow the public houses in this extensive and populous harbour reduced from twenty-four to only twelve,' and giving as a reason for their regret that this diminution had very considerably decreased the strength of the civil power, as every publican served the office of constable—'there being no regulation so effectual to secure the attachment of persons serving

that office to the magistrates and consequently produce a readiness to serve when called upon in cases of emergency.' Without staying to remark on the morality of the motive here attributed to the guardians of the peace, it may be said, that if all the publicans in St. John's in this year (1863) were efficient constables, the capital would be in no want of police.

One of the native productions for which Newfoundland is famous in other countries is its dogs. But from a proclamation by Governor Edwards in 1780 it appears that either there was then manifest that corruption of the breed which is so plain to visitors who look on the canine varieties which abound in St. John's at this day, or that their beauty was more than counterbalanced by their noxiousness, which also is a very common complaint at the present time. The following is the text of the proclamation :—

Whereas it has been represented to me that the number of dogs kept by merchants, boatkeepers, and others in this town is become a very great nuisance and injury to the inhabitants, I do therefore hereby give notice that if, after the 31st day of August, any merchant, boatkeeper, or others shall be legally convicted of keeping more than one dog, he or they so offending shall pay a fine of twenty shillings for every dog above one kept by him or them; and I do hereby authorise any and every person to kill all the dogs above one known to be kept by any merchant, boatkeeper, or others as aforesaid.

Free trade, as involving the right of an individual to sell in the dearest market what he had bought in a cheap one, does not seem to have been recognised by the authorities in St. John's eighty years ago, as witness the following record :—

At a court held in the Court House in St. John's, 19th Sept. 1781.

Present: His Excellency the Governor, two Justices, and the Sheriff.

Luke Ryan was ordered to attend the court to answer a complaint made against him for selling beef at 1*s.* 3*d.* per lb., in contradiction to the Governor's order of the 19th of August, which positively directed that no person shall ask more than 1*s.* per lb. for beef, veal, or mutton.

He appeared, and acknowledged to have gained the hide, offal, and 5*l.* upon the cow he bought on Thursday last, by selling it at the above exorbitant price. He was therefore fined 10*l.*

In 1778, a dispute arising between the merchants and boatkeepers in Harbour Grace, the latter charging the former with putting exorbitant prices on the goods given out for the fish, Governor Edwards settled the dispute in a peremptory manner by ordering the parties to regulate their respective charges and accounts by the prices at St. John's. The following table will show the difference which led to the complaint:—

	Prices at St. John's			Prices demanded in the Bay		
	£	s.	d.	£	s.	d.
Bread, per bag . . . .	1	8	0	1	15	0
Beef, per barrel . . . .	3	0	0	5	0	0
Pork, , , . . . .	5	0	0	6	0	0
Salt, per hogshead . . . .	1	0	0	1	15	0
Butter, per lb. . . . .	0	0	9	0	1	0
Rum, per gallon . . . .	0	6	0	0	8	0
Molasses, , , . . . .	0	4	6	0	5	6
Sugar, per cwt. . . . .	55 <i>s.</i>	to 3	0	0	5	0
Soap, per lb. . . . .	0	0	10	0	1	0
Candles, , , . . . .	0	0	10	0	1	0
Tobacco, , , . . . .	0	2	6	0	5	0
and other articles in a like proportion.						

One other item deserves to be mentioned before bringing this chapter to a close, as it refers to the introduction of an article which has become of prime necessity in St. John's. In the year 1784, a letter was received by the Governor, dated Whitehall, informing him that orders had been transmitted to the chief magistrate in the island of Cape Breton to give permission to load and carry away any quantity of coals that might be wanted for the use of the troops, and for any public services in the island of Newfoundland. The reason assigned for this order is the growing difficulty of procuring firewood within a convenient distance of the capital. The article, the importation of which was thus authorised, now forms a considerable item in the imports of St. John's, and contributes largely to the comfort of the inhabitants.

In the year 1862 the import of coal reached 37,494 tons.

The letter in which the information was conveyed to the Governor, as mentioned above, bears the signature 'Sydney' (Lord Sydney, Secretary of State), and Sydney is not only the capital of Cape Breton, but also contains the field from which Newfoundland derives its coal, which is commonly designated as Sydney coal.

## CHAPTER VII.

1788—1800.

ADMIRAL MARK MILBANKE was appointed Governor of Newfoundland in the year 1789. He entered on his office at a period when there were no outward signs of disturbance to the ordinary pursuits of the colony, and which seemed therefore favourable to the establishment of internal regulations, the want of which had become very manifest. It was a time, too, in which the world at large was in a state of peace, without cause for serious apprehension of international convulsions and strife. Yet this same year there was rising in France a movement which was to advance with rapid strides to an accomplished revolution—at first to be regarded with admiring sympathy and hope, and then to provoke indignation and fear, but still destined to march on until it embraced all the nations of Europe, afflicting them with the plague of war for a quarter of a century.

By this wide-spread commotion, in which Great Britain had a distinguished part to play, Newfoundland was to be shaken from its repose and gravely affected in its various interests, as will appear in the following pages. But before entering on the facts

which belong to this more exciting story, a brief notice must be given to some legal changes of great importance which were introduced at this period.

It has been shown in the previous chapter that one of the great wants in the island arose from the absence of a properly constituted court for the trial of civil causes. This want the Courts of Session and the Court of Vice-Admiralty, though without real authority, had been made to supply. In this position of affairs Governor Milbanke ‘was strongly advised by his secretary, Mr. Graham, who had been secretary to the three preceding governors, to get something of a court established that might stand on unquestionable authority: and the Governor’s commission being searched for this purpose, it was found that he had full power to appoint judges, and in cases necessary justices of Oyer and Terminer, &c. It was suggested, too, that judges, contrasted as the word there seemed to be with justices of Oyer and Terminer, ought to be considered as meaning something different from such justices, and that, being in a popular untechnical sense usually applied to those who preside in the three courts in Westminster Hall, it had grown in the minds of unprofessional men to signify more especially judges in civil matters; that it therefore seemed the Governor by these words had authority to institute a court of civil jurisdiction; and he was accordingly advised to institute a court of Common Pleas, to proceed by a jury in the manner of a court of common law in this kingdom.’\*

\* Reeves.

Though the assumption in reference to the words of the Governor's commission was unwarranted (the language being copied from other commissions—as to West India, where it was meant to convey the power of appointing standing *judges* as well as occasional justices), yet Governor Milbanke acted on it by the appointment of a court of Common Pleas and judges in the summer of 1789. Many complaints were urged, both against the constitution and the proceedings of this court by parties prejudiced in favour of the old irregular system which had prevailed in the colony. These complaints were so far successful as to lead to an examination into the matter by the ministry at home, and to establish the conclusion that 'the Governor had not authority under the words of his commission before observed upon to institute that or any other court for civil causes.' But, instead of the recognition of this fact leading to the abolition of the court, it rather suggested to the Committee of Council for Trade to recommend to His Majesty to appoint or authorise the Governor by proper words to appoint such a court.

However, no court was then established, and the court of Common Pleas, instituted by the Governor, continued during the year 1790 to proceed as before. The subject was taken up by the Committee of Trade in the year 1791, and a bill was presented to Parliament under their direction, for instituting a court of the sort they had recommended in the representation made in 1790. This bill passed into a law, and, being intended as an experiment of a new judicature, it was to endure for one year only. The result of that experiment was to propose another bill in the session of 1792,

for instituting a court somewhat different from that of the preceding bill. This also was only for a year.\*

The Act of 1791 instituted a court of civil jurisdiction, which court was to consist of a chief judge, to be appointed by His Majesty, and two assessors, to be appointed by the Governor from time to time. The Act of 1792 established a supreme court of judicature of the Island of Newfoundland with full power to hold plea of all crimes and misdemeanours, and to determine suits and complaints of a civil nature, according to the law of England, as far as it was applicable to such suits and complaints. This court was to be under a chief justice appointed by His Majesty. The Act also provided that the Governor, with the advice of such chief justice, might from time to time institute courts of civil jurisdiction, to be called surrogate courts, in different parts of the island, from which courts, however, there was liberty of appeal in certain cases to the supreme court.

Chief Justice Reeves was the first appointed to preside over the supreme court in St. John's. He also initiated the Surrogates Court in Conception Bay, the proceedings of which were afterwards conducted by Captain Moore. The judge had received the appointment, accompanied by instructions to collect the

\* Reeves.—The author regrets that here he has to take leave of the *History of the Government of the Island of Newfoundland*, which has hitherto been an invaluable guide on the subjects to which it relates. The above extract in the text is taken from the last page of the body of the work, which was published in 1793.

materials from which to draw up, for the benefit of the British Government, a statement in relation to the condition of the fisheries—the customs of the people, and the usages of the courts, and other matters, the knowledge of which might be useful in further legislation on the affairs of the colony. In addition to the performance of these, his assigned duties, he presented to the public a history of the Government of the country, which, though a book of small dimensions, is by far the ablest and most reliable work on the country existing in the present day.

In consequence of the information furnished by him another Act was passed in 1793 (33 Geo. III. cap. 76), by which the administration of justice in Newfoundland was established on such satisfactory grounds, that the statute was renewed from year to year until 1809, when the courts of judicature instituted under it, were made perpetual. The expense of the supreme court thus established (in 1793) was not very extravagant, as appears from a letter of Chief Justice Coke, who succeeded Mr. Reeves.

	£	s.	d.
Salary of Chief Justice . . . .	300	0	0
Do. Clerk . . . .	40	0	0
Do. Crier of the Court . . . .	36	0	0
Do. Marshal, who also acts as porter to the Court . . . .	36	0	0
Stationery . . . . .	<u>5</u>	<u>0</u>	<u>0</u>
	<u>417</u>	<u>0</u>	<u>0</u>

Concerning these charges the judge hopes that the items *three* and *four* will not be deemed extravagant, as the offices are necessary, ‘the cost of living in this

country dear, and the persons so employed can be made useful by assisting the sheriff to execute process, and such emoluments as they receive in that way can be deducted from their salary.' All the salaries were paid by the Crown, and were to stand in lieu of all fees, which were to go into a common fund.

Admiral Milbanke's term of office expired in 1791, and he was succeeded by Sir Richard King, Rear-Admiral of the Red Squadron. During the administration of the latter little of any striking importance occurred in the affairs of the colony. One of the principal objects of the interest and anxiety of the Governor was the Church of St. John's, which had fallen into a very dilapidated condition. In a message addressed to the inhabitants on the subject, he expresses the deep concern with which he beholds its deplorable and ruinous state, 'at a time when the dissenting meeting-house and the Romish chapel are comfortable well-built places of worship, suitable to accommodate their congregations;' and 'he persuades himself, when the principal merchants and inhabitants at St. John's consider that the dissenters build their places of worship by voluntary subscriptions, they cannot but be sensible how disgraceful it would appear in the eyes of the whole world, if persons professing themselves Protestants of the Established Church, should not cheerfully step forward on the present occasion, and subscribe in proportion to their different circumstances towards repairing the old, or building a new church.' Meantime, His Excellency had given directions that the Courthouse should be appropriated to religious

purposes, ‘with a view of preventing the health of devout persons being impaired—who, actuated by religious principles, might, at the hazard of their lives, attend Divine service at the church, notwithstanding its decayed state.’

Governor King was succeeded by Sir James Wallace, who arrived at St. John’s and took possession of his government in August 1794. By this time the aspect of affairs had greatly changed both as respects the world in general and the interests of the island. On February 3, 1793, but a few days after the execution of Louis XVI., the French Convention had unanimously declared war against Great Britain. The importance of this fact was speedily felt in Newfoundland, which, during the second year of Sir Richard King’s government, was busily employed in preparation for defence. The earliest letters, orders, and proclamations dictated by Admiral Wallace, after his arrival, denoted that the war had become active on the western side of the Atlantic. The following note, addressed to the commander of his Majesty’s sloop Bonetta, bears the date August 20, 1794:—

St. Pierre and Miquelon being captured and annexed to the Government are to be esteemed in all respects the same as the other harbours in Newfoundland, and every encouragement given to the fisheries, which you are to make known by the proclamation you will receive herewith.

JAS. WALLACE.

The same day His Excellency received a memorial from the merchants of the capital, praying that ‘in

consideration of the present war, and the high premium of insurance on all property exported from this place without convoy, and likewise the great risk attending it,' he would order 'some ship of war to take their vessels under her command or protection.'

A letter of the same date (August 20) appears in the Records, written by Admiral Murray, congratulating the Governor on his appointment, in which the writer characteristically says:—

Should the French send a larger squadron on this coast than I can cope with, I shall give you notice, when I am sure you will lose no time in joining me: and should you want assistance from this quarter, you may depend on my cooperation. On our arrival off the Delaware we fell in with a convoy of American ships with provisions, protected by two French frigates: we stopped fourteen of them, but the rest and the frigates got off by the haziness of the weather.

Governor Wallace found the colony but ill provided to repel any strong attack, should it be made by the enemy. He had but a few companies of troops at his disposal, and part of these were called for to strengthen the forces in Canada. He, however, sought to make the best of his means. He kept back the companies asked for, until he should obtain materials by which to supply their place. He maintained the garrison in a high state of vigilance and disciplinary preparation, and attended sedulously to the strengthening of the forts and batteries. Especially he gave encouragement to volunteering, in which he was very successful, not only in St. John's, but throughout the island—nearly

every harbour and fishing settlement contributing its quota of men, in proportion to the number of inhabitants, to subject themselves to drill and training, that they might be in readiness to aid in repelling invasion. The spirit of loyalty and alacrity in seconding the Governor's efforts was very generally and earnestly displayed. Still, in the lower classes of the community there was at least so far the absence or weakness of this feeling, as to leave room for the outbreak of resistance against measures of compulsion designed to strengthen the king's service; whence arose a tragedy which darkened the close of His Excellency's administration for that year.

On October 18 Captain Morris, commanding the ship Boston, received orders to proceed with the trade bound to Portugal and Spain. The vessel being fourteen men short of her complement, he asked the Governor to approve his putting out invitation bills for volunteers; when the latter expressed his surprise that the commander did not know that he was to get seamen by any means in his power, evidently pointing to impressment, of which there had already been several examples. However, the bills were put up, but on the 24th inst. no volunteers having offered, and the ship being intended to sail next day, Captain Morris ordered two lieutenants on shore in the evening to bring off such men as they might find idling about, which service they performed, he said, without interruption or riot. The following morning, after examining the men, and giving up those whose masters appeared to claim

them, eight remained, who having no employ, entered themselves for the bounty.

In the afternoon, Lieutenant Lawry (one of those engaged in the impressment) left the ship with two of these men, and went on shore to get their clothes and some money that was due to them. As they proceeded up the town, they were suddenly assailed by a mob of people, who rescued the two men; and Lieutenant Lawry, being without any other arms than his dirk, was murdered in the street.

The proceedings in this affair were speedy and severe. The very night of the murder, the Governor, who was on board the Monarch ready to take his departure, issued an order to the Chief Justice, stating that it was his intention to land at eight o'clock the next morning, and desiring the attendance of the judge, with the constables, and the whole force of the civil power. Two of the ringleaders in the riot and murder were arrested—committed by the magistrates, and on the 28th were put on their trial in the supreme court, where, the next day, they received the sentence which condemned them to be hanged by the neck till they were dead. Addition to the capital penalty was made in this case for the first time in Newfoundland. The sheriff was ordered to deliver the bodies to the surgeons to be dissected and anatomized. Here was an instance of swift retribution. The criminals had been full of lusty life and riotous liberty on the Saturday evening. On the Tuesday they stood in peril before the tribunal of justice: on the Wednesday they heard the sentence of death

passed on them; on the Friday they were dangling lifeless from the gallows, and on Saturday—all within a week, they had probably become the mangled offensive material of the dissecting room.

In the spring of the following year, when the Governor was in England, he made application to the ministry for an increase to the means of defence in the island. In answer to this request, he was authorised to raise a Newfoundland Corps of 600 men, consisting of one company of grenadiers, one of light infantry, and eight battalion companies. This measure was put into effect in the course of the year, and appears to have been attended with great success. On the return of His Excellency to St. John's, he resumed his activity in holding the place in readiness to repel invasion, which seemed imminent. To prevent desertion from the ships, he issued orders to all the magistrates, that no seamen were to be allowed to pass through their several districts, without a passport signed by the Governor or his surrogate. He also commanded returns to be immediately made of the number of inhabitants in the town capable of bearing arms or fighting the batteries. At the same time, he published the subjoined general orders:—

In case of the enemy appearing on the coast, to guard against an attack, and to prevent as much as possible the confusion that generally arises from an event of that kind, the Governor has thought proper to order that all the inhabitants capable of bearing arms should be appointed to repair to the different posts intended for the defence of the place.

Therefore the garrison and volunteers will parade on the

exercising ground on the 12th inst. (August), at which time and place the Governor expects that all persons who, upon an emergency, can bear arms, will assemble for his inspection, when their different alarm-posts will be pointed out to them.

This year passed away without bringing any attack to test the spirit of the people, or the value of the preparative measures made by the Governor against such an event. In this place, therefore, there may be fitly introduced a statement given to the world by some writer in 1796, and quoted by Anspach in his history of the colony, showing the extensive trade and fisheries carried on in the previous year. The statement was made at a time when serious apprehensions were entertained in England respecting the safety of its dependency.

To give a proper idea of the trade of the Island of Newfoundland, and its consequence to this kingdom, the following is a statement of its produce, and of the property employed therein during the last year, viz. 1795 :—

	£	s.	d.
400 sail of shipping, 38,000 tons at per ton	7	0	0
500,000 quintals of dry fish at per quintal	0	18	0
1,000 barrels of herring, at . . . .	0	10	0
3,700 frails of salmon at per frail	. . . .	2	0
3,300 tons of oil at per ton	. . . .	25	0
4,900 seal skins at . . . . .	4	0	0
2,000 shallops and boats valued, large and small, with their fishing craft, upon an average each, at . . . . .	30	0	0

Sundry merchandise, at that time in store, amounting in value to about three hundred thousand pounds.

Making an aggregate of nearly one million, two hundred thousand pounds.

The alarm felt in the mother-country in reference

to such a valuable possession, was partially justified in the year following that respecting which the above statistics are given. On September 2, the citizens of St. John's were publicly notified of the gravity of the situation in which they were placed by the following *proclamation* :—

Whereas a large fleet of the enemy's ships are now off this harbour, and I have every reason to think they intend to attack this town and garrison; the better to be enabled to make a proper defence, I deem it expedient that martial law should be proclaimed, and it is hereby proclaimed accordingly.

Given under my hand at Fort Townshend,

September 2, 1796.

JAS. WALLACE.

Along with this proclamation, general orders were given out directing different classes how to conduct themselves to meet the peril to which they were exposed. The Royal Newfoundland Regiment was to be under arms—a captain's piquet to mount at sunset—an encampment to be struck; and officers and men to hold themselves in readiness to march at a moment's warning. The seamen and others that had offered their services were to obey the commanding officer of the fort or battery to which they were assigned. The magistrates were enjoined on their peril to see that no person of any district whatsoever should be permitted to travel from harbour to harbour without a pass from the Governor, or those deputed by him. The signals were also made known by which to distinguish the king's ships from those of the enemy, '*when in action.*'

A letter written by the Governor, apparently for the information of the Lords of the Admiralty, explains with some detail the occasion of this excitement and precaution as it appeared to those who occupied the scene of danger:—

Be pleased to inform their Lordships, that early in the morning of the 1st inst. nine ships of war were seen from the point of Petty Harbour, about two leagues from hence. They were observed to detain some fishing boats, and continued for some time manœuvring and reconnoitring off Cape Spear. At three o'clock in the evening they stood in for the harbour. We had various accounts of their strength, but enclosed is one I think may be depended on. They stood backwards and forwards across the harbour. Night coming on we could not observe their further motions.

But at nine o'clock in the morning of the 2nd inst. they were seen standing to the southward. Early in the morning of the 3rd they were seen about a league from the land to the northward. About twelve, a frigate came from the southward, and joined them. About two, the whole stood in within two or three miles from Fort Amherst, and hove to. The leading ship of the line had a national jack at the maintop-gallant mast head. At half-past three, they filled and stood off. At six, they were seen standing in again towards Cape Spear. At seven in the evening of the 4th, I received an express informing me that the squadron was in the Bay of Bulls; on the 5th that they had set the town on fire; on the 6th a gale of wind came on, and prevented their further progress; on the 8th they unmoored, and got under weigh. We are not able to guess their design, or what they will further attempt. You will see by the enclosed (No. 2), what has been done for the defence of the place.

The above letter contained two enclosures, the first of which gave the testimony of an eye-witness, who had been appointed to watch the movements of the

enemy, and describing the squadron as consisting of one eighty, six seventy-fours and one thirty-eight gun frigate. The second enclosure thus sets forth the means of defence for the capital:—

The force at St. John's consists of one fifty, two frigates, and a sloop of war, as named in the margin, the Royal Artillery and Newfoundland regiment, 561, and the volunteers 52 men, which is greatly inadequate, if we consider the extent of the posts we have to defend; but every precaution has been taken to prevent their (the enemy) succeeding, should they either attempt to land on this part of the island, or to force the harbour. All the troops are drawn out, and the batteries manned by them or the inhabitants, and martial law proclaimed.

I have laid an embargo on the trade, &c. &c., in this port, and allotted different stations to the masters of the several ships and their crews; I have thrown a boom across the harbour, and fitted out the fire-ships, and so stationed the squadron, that, with the assistance of the forts, I should scarcely think they would succeed, were they hardy enough to make the attempt.

The principal exploits of this fleet, which excited so much alarm, was the complete destruction of the little town in the Bay of Bulls, the burning of several vessels and boats, and the taking some prisoners, among whom was the magistrate of the district. The enemy proved to be the French squadron under Rear-Admiral Richery. From the declarations made subsequently by two masters of vessels who had been taken prisoners, it appears that Admiral Richery had hoped to be at St. John's before the arrival of the Governor, and by running into the harbour, make an easy and speedy capture; but was greatly disappointed

on learning that Sir James Wallace was there before him, and prepared to defend the town. One of the declarants gives some interesting details of conversations had with him on board the Jupiter, the French Flag ship. Being asked when at the Bay of Bulls, ‘the distance from thence to St. John’s, and how the road was, he informed them that the road was very bad and narrow, that only one man could go on it at once, and it was impossible to take cannon. On this, the officer with whom he was conversing said, that they did not intend to take cannon, but to march as quick as possible, summon the garrison to surrender, and in case of refusal, they would take it sword in hand, and put everyone to death without distinction of either age or sex.’ This witness, even when a captive, did not shrink from the duty of telling a lie for the good of his country, for when ‘he was asked what strength there was at St. John’s, he informed them, 5,000 at least, and that had they attempted the harbour, they would not have succeeded, as there was a boom and a chain across it, and 200 guns would play upon them at the same time.’ He *naïvely* adds, ‘they seemed to doubt the number of the men, but on his repeating it, the officer to whom he was speaking went to Admiral Richery and they conversed together, and from that time he thinks all thought of attacking St. John’s was given up.’

Considerable alarm had been occasioned in England by the first accounts of these events in Newfoundland, the news being to the effect ‘that the French had actually landed 1,500 men at the Bay of Bulls and

2,000 at Portugal Cove in Conception Bay, from which they were on their march against St. John's.' (Anspach.) 'At the same time,' says the same writer, 'the patriots of France were amused with the authentic information that Admiral Richery had summoned St. John's, the capital of Newfoundland, to surrender, had captured a considerable number of ships and fishing vessels, and above 1,000 sailors, whom he had sent to the Island of St. Domingo.'

Nothing further of any importance occurred in the island during the brief remainder of Sir James Wallace's stay. Before his departure, the Governor received addresses from different parts of the colony, as well as from St. John's, expressing the gratitude of all classes, for the wise and efficient measures he had taken for the protection and defence of the country.

His successor was William Waldegrave, Esq., Vice-Admiral of the Blue Squadron. This gentleman, afterwards Lord Radstock, of strong religious feelings and principles, manifested an earnest interest in all that affected the civil order and the social life of the community placed under his charge. But he came to the country at a time which called for the display of the stern qualities of the British sailor.

It was that dark year in the history of Great Britain (1797) when an almost universal spirit of mutiny broke out in the fleet at the Nore, in the Channel and off the Texel,—when for a season the mutineers blockaded the Thames and addressed themselves in a tone of menacing audacity to the Government. By the middle of June, this insurrection was quelled in

the United Kingdom, and the ringleaders punished. But the seeds of the disorder had spread to other parts of the world, where the English navy was stationed, and some of them germinated in St. John's, Newfoundland. Though the discovery of this fact stirred up great apprehension at the time, yet the fact itself, as proved afterwards, was of comparatively small dimensions,—confined to one ship, the Latona.

The Governor thus describes the outbreak of the affair, in an official letter to the Duke of Portland, dated August 14, 1797:—

MY LORD,—As the very atrocious behaviour of the Latona's ship's company at this place will no doubt be much talked of in England, and the circumstances probably greatly exaggerated, I shall be obliged to enter into a more minute detail of the affair than at first may appear as coming within your Grace's department.

On the 3rd inst. the fore-top men of the Latona refused to go aloft, and in a body desired to be put in irons. On Captain Sotheron's proceeding to punish the ringleader, the men swore he should not be punished. However, upon all the officers drawing their swords, and the marines presenting their bayonets, on which some of the mutineers pricked themselves before they would retreat, the punishment was executed. The language afterwards of the seamen when in their hammocks was terrible. The marines were threatened to be thrown overboard, and *bloody work* promised so soon as the ship should be in *blue water*. The conduct of these wretches on shore has been no less wicked and daring. They have certainly endeavoured to sow sedition within the garrison, besides committing many outrages on divers occasions. On Sunday, the 6th inst., a ship having the preceding day brought the joyful news of Parker's execution, and the mutiny in the fleet, in consequence, being entirely quelled in England, I thought it would be a proper opportunity to

address a division of the Latona's ship's company. This I did, as will appear (No. 2), the seamen at the time being surrounded by the marines, Royal Artillery, and flank companies of the Royal Newfoundland regiment. My speech seemed not only to affect the mutineers, but most of the bystanders, both military and civil. Upon the whole, I may venture to say, it was of much service, as will sufficiently appear by the enclosed addresses, which speedily followed.

The speech referred to in the above letter is sufficiently striking to justify a few extracts. It was delivered on the Sunday morning, just before church time. The first paragraph is to the marines, to whom the Governor said:—

I am happy to have this opportunity of thanking you in person for your very gallant and steady behaviour in support of your officers. You have shown yourselves to be good soldiers, and true and faithful friends to your king and country. There is not a person in St. John's but what feels a regard and esteem for you, while, I am sorry to say, that they look on the seamen of the Latona with equal horror and detestation, and indeed it is impossible that they should do otherwise, considering the infamy of their conduct, both on shore and afloat.

He next directed his observations to the latter in a different strain.

After uttering the hope that there might be among them ‘some single honest man and lover of his king and country,’ he adds:—

But if I am to judge from your conduct, I must think that the majority of you are either villains or cowards. If the greater number of you are against your officers, and refuse to obey their lawful commands, I have a right to say that you are traitors to your king and country.

If there are only a few bad men among you, which you

pretend to be the case, I maintain that you are a set of dastardly cowards for suffering yourselves to be bullied by a few villains who wish for nothing better than to see us become the slaves of France.

His Excellency had a pleasant way of conveying to his audience the latest intelligence in which they were interested:—

You were all eager for news and newspapers, to see how your great delegate Parker was going on. I thank God, I have the satisfaction to inform you that he is hanged with many others of his atrocious companions. You looked up to him as an example whilst he was in his glory. I recommend you to look to his end as an example also. You may now indeed reap the advantage from contemplating the conduct of this vile incendiary.

Warnings were not wanting to give effect to this discourse:—

I have now to tell you that I have given orders to all your officers, that in case any further signs of mutiny should appear among you, they are not to think of confining the ringleaders, but to put them to death instantly; and what is still more, I have given orders to the officers commanding the batteries to burn the Latona with red-hot shot, in case you drive me by your mutinous behaviour to that extremity. I know in this case the officers must perish with you, but there is not one of them but is ready to sacrifice himself for the good of his country, in any mode whatever.

The Governor could be earnest and pathetic in exhortation:—

Reflect, before it be too late, what must be the consequence of your continuance in your present state of riot and insubordination. I now call upon you all who pretend to be honest men and loyal subjects, to step forward and show

yourselves to be such. I call upon you all, not only in the name of your sovereign, but in the name of all true Englishmen, in the name of your wives, children, and friends, to return to a proper sense of your duty, that you may wipe off, if possible, the stain that you have brought on the name of British seamen.

The application and conclusion, to use homiletic phraseology of this Sunday morning open-air lecture, are sufficiently pious, practical, and laconic:—

Now go into church, and pray to God to inspire you with such sentiments as may acquire you the respect and love of your countrymen in this world, and eternal happiness in the next.

One of the worst evils arising from the mutinous conduct of the men of the *Latona*, was the suspicion and fear which it awakened, as respected not only the rest of the ships' companies, but also the other branches of the service. For a season men seemed not to know whom to trust, and each one felt himself an object whom others regarded with distrust. After the Governor's speech, from which some extracts have been given, the non-commissioned officers, drummers, and privates of the Royal Newfoundland regiment sent an address to His Excellency declaring their loyalty, and expressing their regret at a malicious report spread about by evil designing persons, supposing the possibility of their want of duty and allegiance to their beloved king, country, and constitution; adding, ‘and as a proof of our honour on this occasion, we hereby offer a reward of twenty guineas to any person who will apprehend any person or persons who shall endeavour diabolically to

alienate us from our affection to the service of our country.'

The next to make an attestation of their loyalty were the non-commissioned officers and gunners of the artillery stationed at St. John's, who, having heard with satisfaction of the conduct of their brethren in England, and desiring to show their approbation of such conduct and to conform themselves to the unsullied character of the regiment, offered 'a reward of *thirty guineas* to any of the Royal Artillery who shall bring to conviction, before a magistrate, any person or persons who may endeavour by seditious writings or otherwise to seduce them from their duty.'

Not to be behindhand in these professions and signs of allegiance, the petty officers and seamen of the Latona forwarded an address to His Excellency, in which they say—' We have heard the address made by the Newfoundland regiment of volunteers to your Excellency, as also your Excellency's answer, wherein we find a reward of *twenty guineas* offered to anyone who shall certify to your Excellency the name or names of any person or persons whomsoever, guilty of any seditious, mutinous, or disloyal words, or lukewarm towards his king or country. We therefore take this opportunity of informing your Excellency that we consider ourselves as loyal to our king and as ready to defend our glorious Constitution as any regiment or other set of men whatsoever; and as a justification thereof, we humbly pray that your Excellency will make known to the inhabitants of

St. John's that we are determined to suppress all such behaviour, and do hereby offer a reward of  *fifty guineas* to anyone who will detect an offender or offenders of the like behaviour, in order that they may be brought to that punishment which they so justly deserve, and which it is the duty of every true-born Englishman to endeavour to have inflicted.'

In his answer to this last address, the Governor dryly reminds the subscribers that there was an easier and a cheaper way of displaying their zeal and loyalty than the offer of fifty guineas for the detection of possible offenders, viz.—the giving up of the ringleaders in their late actual mutinous crime.

Though Admiral Waldegrave continued as Governor of the island until the year 1800, during the whole of which period Great Britain was at war with France, yet in his time the colony was but little disturbed directly by the course of warfare, after the mutiny of the *Latona*. That display of insubordination was only the symptom of a wide-spread plague, which the British Government applied itself earnestly to cure by other measures than those which belonged to a stern repression of the outbreak. On enquiry it was discovered, indeed, it forced itself on the recognition of the authorities, that there were well-founded reasons for complaint in both the naval and military branches of the service. A wise determination was formed to redress these complaints by a removal of their causes. One measure to this end was augmenting the pay of the men engaged in the

country's defence, a measure the benefit of which was shared by the troops in Newfoundland, in making known which they were addressed with the congratulations of the Governor. Another beneficial proceeding was an examination into the condition of the provisions served out to the men, with a view to their being furnished with what was good and wholesome, instead of such as a dog would refuse to eat. The inquisition into this matter in St. John's revealed a horrible state of things, testifying to a shameful culpability on the part of contractors or the agents of the Government, or of both. As an example of these disclosures, here is a portion of a report signed by the captain and two ensigns of the Royal Newfoundland Regiment, who, at the order of the Governor, took a strict, careful, and impartial survey of His Majesty's victualling stores. It is dated October 1798:—

*Pork*.—Twelve thousand one hundred and eighty pounds, in three thousand and fifty-six pieces, of which thirty-three pieces are serviceable, and three thousand and twelve pieces are unfit for men to eat.

*Flour*.—Fifty-two thousand eight hundred and thirty-six pounds, in one hundred and thirty-eight tierces, and thirty-three barrels, totally unfit for use.

*Butter*.—One thousand and twenty-five pounds, in fifteen barrels, totally unfit for men to eat.

*Beef*.—One thousand and forty-eight pounds in two tierces and two barrels, totally unfit for men to eat.

*Pease*.—One thousand six hundred and forty gallons, in forty-one casks, totally unfit for men to eat.

Another subject to which the Governor's attention

was given, with the aim of making an improvement for the benefit of the poorer class in general, and of the soldiers in particular, was the lack of a specie currency, especially in the inferior coinage. So great was the scarcity of copper coins, that he said some of the fishermen had lost the sense of the value of money, almost looking on the sixpence as the very lowest piece, for the gift of which, for the most trifling service, they would scarcely return a ‘thank you.’ This state of things was the occasion of a good deal of imposition on the humbler classes. If, for example, one of them went into a store to buy a threepenny loaf, tendering a sixpence, the shopkeeper had no change, or pretended he had not, and recommended the customer to take out the balance in a dram, which, says the admiral, was seldom declined. The soldier suffered the most from this scarcity. The paymaster, not having money, had to give out orders on the merchants, which, when presented by the recipient, he had to take out for the most part, in goods—sometimes of a kind he did not want; for the rest, he received a small bill on some house in England or Scotland, which another merchant or shopkeeper would be obliging enough to cash for him, at a discount of ten per cent. This was such a crying evil, at the time of the revolt on board the *Latona*, that His Excellency declared to the authorities at home, that if he had not, in anticipation, sent a ship for some specie from Halifax, it was his belief that the mutiny would have been general in the squadron and in the garrison. As the result of his representations on this point, he returned

to his government in 1798, with 6,000*l.* in specie, 2,000*l.* of which was in small coin of pennies and twopences.

While the admiral was thus considerate of the wants of those in a humble position under his authority, he was very careful to maintain the dignity of his own position, both civil and military. During his administration there took place a considerable amount of correspondence between him and the Duke of Kent, commander-in-chief of His Majesty's land forces in North America. His Royal Highness wrote to the Governor of Newfoundland giving some directions which implied the subordination of the latter to himself. This the other would not allow; but while complying with the duke's wishes, did so with a saving clause—which asserted that he considered himself to be the only commander-in-chief over the forces in Newfoundland. The controversy was carried on with great courtesy and friendliness on either side, both the admiral and his royal correspondent professing the utmost respect for the opinions of each other, and mutually stating that whatever their opinions might be, the king must decide between them. At length the decision was given, and it was in favour of the Governor of Newfoundland—that island being excepted by name from the jurisdiction conveyed by the commission to the commander-in-chief of the other provinces.

The subject of the native Indians comes before the reader of the Records of this period, but only with such a degree of obscurity as to tantalise and

disappoint, instead of satisfying him. The Governor's principal informant, in reference to this interesting matter, was a Mr. John Bland, of Bona Vista, who seems to have given much attention to the aborigines — so far as to have shaped out for himself theories respecting them—but does not furnish very reliable information; what he gives appears to be at second-hand. The substance of what he had to tell in relation to them, as apparent matters of fact, lies in the following sentences:—

It is so long ago, as I am informed, since an Indian named June died. This savage, the first remembered to have been in our possession, was taken when a boy, and became expert in all the branches of the Newfoundland business. An old man in this bay, who knew June, has told me that he frequently made visits to his friends in the heart of the country. Since the death of June, August, who died a few years ago, has been the only Indian in our possession. This man was taken when an infant. August fell from his mother's back, who was running off with her child when she was shot, and I have been told by those who were intimate with August, that he has frequently expressed a wish to meet the murderer of his mother, that he might revenge her death. I only mention this circumstance to show that a Newfoundland Indian is not destitute of filial affection.

Rather a curious illustration!

The Church of England in Newfoundland is deeply indebted to Admiral Waldegrave. It has been mentioned in a previous page that the place of worship in St. John's had fallen into such a dilapidated condition as to be unfit to hold service in, and that the Court-house had to be fitted up for that purpose. This was an evil state of things, which the Governor employed

himself earnestly to remedy. He subscribed liberally himself; he procured a generous donation from the Society for the Propagation of the Gospel. He obtained a gift of 500*l.* from the king, a grant which was afterwards increased. With these helps, conjoined with the spirited endeavours of the merchants and chief inhabitants of the capital, His Excellency had the satisfaction, before his rule ended, of seeing a commodious church edifice growing up to completion. He also exerted himself, and successfully too, to acquire for the church a large space of ground for the burial of the dead. While thus mindful to augment and improve the material property of the Church, he manifested an equally lively solicitude on behalf of its clergy. He made their case (a sufficiently hard one) known both to the British Government and the Society for the Propagation of the Gospel, with such effect as to obtain for them an increase to their stipends; and this, too, on a basis of greater certainty than that on which they had hitherto been received. According to Anspach, who arrived in Newfoundland in 1799, the Governor had occasion to be grieved by the extensive inoculation of the community with the low infidel sentiments derived from such works as ‘Paine’s Age of Reason,’ to counteract which, he caused to be distributed 250 copies of Bishop Watson’s ‘Apology for the Bible.’ Gratefully appreciating the efforts of His Excellency to promote the interests of the Church, the Society for the Propagation of the Gospel passed the following resolution at its annual meeting in 1798:—

Resolved, that the thanks of this Society be given to the Honourable Vice-Admiral Waldegrave, for his active services in the cause of religion in Newfoundland.

Charity, as well as religion, engaged the thought, and called forth the exertions of this active Governor. In a letter dated August 31, 1797, addressed to the magistrates and principal inhabitants of St. John's, he writes feelingly on a subject which has since become of serious importance to the colony, viz.—some regular provision for the poor. In that communication, he states that the first object which attracted his attention on his landing was the wretchedness of the lower inhabitants of the town. This led him ‘to enquire into the provision which he conceived the wisdom of the laws must have made for the poor;’ when, to his astonishment, ‘he was informed no such provision was made.’ After acknowledging the liberality of the richer inhabitants, in relieving cases of destitution, he urged the formation of an organization, to raise by annual subscription among the people generally a fund sufficient to administer some regular and permanent relief, offering himself as a subscriber of 20*l.* This suggestion was cordially embraced by the inhabitants assembled in public meeting, all classes contributing to the fund.\* It was followed by a proclamation containing a plan for the general relief of the poor in the island. This scheme, though on a voluntary basis,

\* The number of persons relieved from this fund during the winter of 1798–9 was 626, in St. John's alone, many of whom, it is stated by the distributors, must, in all likelihood, but for such aid, have absolutely perished for want.

seems to have been the first attempt to make regular provision for the necessities of the pauper population. Could Admiral Waldegrave have foreseen to what portentous dimensions the plan initiated by him would grow, and what form it would assume, in little more than sixty years from his day, he would probably have been filled with a measure of surprise and sadness, equal to what he felt when he first came into contact with the poverty of St. John's. In the estimate laid before the House of Assembly for the year 1863, the public expenditure of *the colony is set down at 90,000l., of which 30,000l. is for pauper relief!*

The Governor formed no very high opinion of either of the two classes of the population subject to his authority. The labouring population he considered to contain such elements of misrule and danger as to lead him to make urgent representations to the Ministry of the necessity of the chief justice\* being under obligation to winter in the island. On his suggestion being acted upon, so far as to forbid the judge to leave his post without a special permission, the admiral thus writes to the Duke of Portland:—

May I be permitted to represent to your Grace, that no such indulgence can be granted for the present, without a risk of its being attended with the most fatal consequences to the Island of Newfoundland. Your Grace is well acquainted that nearly nine-tenths (?) of the inhabitants of this island are either natives of Ireland or immediate descendants from them,

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\* The above Chief Justice Routh was very wishful to leave the island, to spend the winter in England, and return in the spring. Two years from this date (1798) he set sail from England to Newfoundland, and was never heard of afterwards.

and that the whole of these are of the Roman Catholic persuasion. As the Royal Newfoundland Regiment has been raised in the island, it is needless for me to endeavour to point out the small proportion that the native English bear to the Irish in this body of men. I think it necessary to mention this circumstance, in order to show to your Grace how little dependence could be placed on the military in case of any civil commotion in the town of St. John's. It is therefore to the wise and vigilant administration of the civil power that we must look to preserve peace and good order (the present times considered \*), in this settlement.

His Excellency's estimate of the merchant class was scarcely more favourable than that which he formed of the labourers. Some of the former had made complaints on the subject of the emigration of some of the inhabitants from the Bay of Placentia to Nova Scotia and the United States of America.

In forwarding a letter containing such complaints to the Duke of Portland, the Governor accompanied it with the following remarks—‘ That the merchants of Burin should consider the emigration in question as a very serious grievance to them, I can readily suppose, as, could these emigrations be checked, the whole of the money carried off from Burin and its environs by the emigrant would find its way to the pockets of the merchants of that place. The accompanying letter from Mr. Ogden will sufficiently explain the cause of the emigration of the wretched inhabitants. To remedy this evil will be no easy matter to devise; but one point seems clear, and this is, that

\* This letter was written in June 1798, immediately after the outbreak and suppression of the Irish Rebellion.

unless these poor wretches emigrate, they must starve; for, how can it be otherwise, while the merchant has the power of setting his own price on the supplies issued to the fishermen, and on the fish which these people catch for him?\* Thus we see a set of unfortunate beings, working like slaves, and hazarding their lives, when, at the expiration of their term (however successful their exertions), they find themselves not only without gain, but so deeply indebted as forces them to emigrate, or drives them to despair.'

The repugnance to taxation was as strongly characteristic of the leading people in Newfoundland, as in any of the colonies. In a conversation with the Chief Justice, the Governor expressed his sense of the impropriety of the mother-country having

\* The following memorial addressed to the Surrogate in Placentia Bay, describes the practice to which the Governor refers:—

‘Your memorialists having seldom seen a gentleman of your virtue and disinterestedness come among them as Surrogate, are encouraged to lay their grievances before you, particularly with a view that unless they are redressed, that you will be so good as to represent their case to His Excellency the Governor. Your memorialists beg leave to inform your worship that the merchants of this place are long in the habit of charging such prices as best suit themselves, on the boat-keepers, and likewise affixing prices to their fish and oil, without allowing them, the boat-keepers, the common right of mankind, they being considered as persons having no will of their own. Your memorialists only wish to have an equitable price set on goods, and also in the produce of their fishery, and to be regulated in an equal manner with the boat-keepers in St. John’s and its neighbourhood, and not considered as slaves. Your memorialists most humbly crave your worship’s particular attention to this their complaint, and as in duty bound, will for ever pray.

to defray nearly the whole cost of the Government of the country; when a duty of sixpence per gallon on rum would defray all charges, and would not be felt by the people. He also said that he should like to know how the merchants would look on such an impost. On this, the Chief Justice took upon him to ascertain their sentiments; and in answer to his appeal, received a letter expressing very decided repugnance to any proposal of the sort. ‘We should be extremely concerned,’ the writer says, ‘to see any species of taxes introduced into this island, which would inevitably be burdensome and inconvenient to the trade and fishery in general, and we trust that in the wisdom of His Majesty’s ministers, no such innovation will take place.’ On this topic, the Governor remarks later, in a letter to the Duke of Portland:—

I cannot but here once more lament the injustice of this (the costs connected with courts of justice), and many other expenses incurred in this island, falling on the mother-country, when the duty on rum, that I once had the honour to propose to your Grace, would so readily defray the whole of them. This must ultimately take place, as both reason and justice demand it, and no one reasonable objection has ever been offered against the measure. I affirm, that all that has been said against this duty arises from no other motive than an insolent idea of independence (which will some day show itself more forcibly) and a firm resolution to oppose every measure of government which a governor may think proper to propose for the general benefit of the island.

The Governor was very strict on the subject of encroachments, to which reference has been made before in this work. Having on the eve of his

departure in 1797, given orders to the sheriff not to allow any erections to be put upon ungranted land during his absence, he received on his return the next season a report from that functionary stating that there had been only a few enclosures or erections, some of which were justifiable, and others too insignificant to interfere with. This report was answered by the following sharp letter:—

SIR,—I am sorry to say I was no less displeased than astonished by the contents of your letter to me of the 27th instant. The orders you received from me previous to my departure last season, dated October 23, were positive, and so clear as not to be mistaken, if perused with common attention.

You have, nevertheless, suffered a Mrs. Gill to erect a fence on the plea of having received a grant for that purpose from Admiral Duff. If Mrs. Gill has this grant, why was it not produced to me during last season? And why has the enclosure been made during my absence? I suspect much the validity of this grant. I desire therefore that you will bring it to me to-morrow at ten o'clock. At all events, you should not have suffered Mrs. Gill to erect the fence before my return, the spot having been heretofore occupied for the use of the fishery, for which purpose it was probably granted.

Your having suffered Thomas Nevan to put up what you are pleased to call a few sheds, is clearly an infraction of my orders; you will therefore direct him to remove them immediately; which, if not complied with, I desire that you will yourself see this order executed.

You will take good care that Jeremiah Marroty and John Fitzgerald do not erect chimneys to their sheds, or even light fires in them of any kind.

I shall conclude this letter with informing you that if you at any time hereafter presume to disobey my orders, as in the instance above set forth, I will immediately, on the discovery thereof, remove you from your office of sheriff.

During the period embraced in the narrative contained in this chapter, evidence was afforded of a growing change in the minds of many in regard to the system which had so long been predominant in the island. Even the merchants had come to see that there was an advantage to them, in finding abundance of fishermen resident in the country, instead of having to be at the cost of conveying them to and from the west of England or Scotland. They made a representation to Governor Waldegrave, soliciting a relaxation of the rule which required the departure of the fishermen at the close of the season. The same feeling which moved them to make this request, also led them to desire a withdrawal or modification of the prohibition against appropriating and enclosing unoccupied portions of the soil. These new ideas were in due time to bring forth fruits in a radical change.

Previous to the embarkation of Admiral Waldegrave, on his taking final leave of the colony, over which he had exercised chief authority for three years, very earnest addresses were presented to him by the magistrates of St. John's, and from the officers of the garrison, expressive of their deep sense of the benefits which he had conferred on the community; making special mention of the benevolent interest he had shown towards the poor, so that by his humane and judicious arrangements, charitable institutions were for the first time formed in the country, also his liberal gifts and zealous exertions on behalf of religion and morality, and his kind and prompt

attention to the rights and interests of individuals, as well as his unremitting endeavour to promote the good of the fisheries and the trade and commerce of the island.

In concluding this chapter, in which Governor Waldegrave and his administration occupy so large a space, two examples shall be given of his conscientiousness. The first has somewhat the appearance of a muffled joke. A person applied to His Excellency, asking him to grant a certificate of his (the applicant) having done the duty of naval officer from May 28, to September 27, 1799. To this request, the Governor immediately replied:—

SIR,—I have this moment received your letter, and am concerned that I cannot consistently grant a certificate of your having positively performed the duty of naval officer from the 28th of May last to the 27th ultimo, but will readily certify that you have made a representation to me to that purport.

The other instance, which has also a spice of dry humour about it, is headed:—

#### A HINT TO MY SUCCESSOR.

Whereas, on my first arrival at this island, many persons came to me with assurances of my predecessor having promised them grants of land, which the hurry of his departure prevented him from executing, I very imprudently, without enquiry, filled up the grants accordingly, deeming my so doing a compliment to the late governor.

I have since that period had too much reason to believe that the above representations, with scarce an exception, were very far from correct—I will not use a harsher term. In order to prevent any circumstances of the kind happening

to my successor, I do hereby declare that I have made no promise of any grant of land whatsoever save one to the commanding officer of His Majesty's troops for the time being, and even this under a restriction that it shall never, under any pretence whatsoever, be let, held, or enjoyed by any other person than the said commanding officer.

The spot to be thus granted is situate at the Black Marsh, the quantity of ground, from four to six acres, more or less.

W.M. WALDEGRAVE.\*

To those engaged in the seal fishery at the present day, sending out large vessels, with crews of from fifty to eighty, it may be interesting to read the following extract of a letter of the naval officer at Harbour Grace addressed to the Governor, showing with what kind of craft, and what number of hands the voyage was prosecuted sixty-five years ago:—

The account of the decked vessels and open boats employed in the seal fishery, I conceive will attract your Excellency's attention, when you consider not only the great advantage of the seal fishery, and the adventurous undertaking in their boats of about thirty or forty tons burthen, manned with from eight to ten hands, who encounter the storms in the months of March and April, thirty or forty leagues from land, which I am convinced makes more and better seamen in one season than the cod fishery does in seven; and if Government could be induced to grant a small bounty to each boat or vessel carrying ten hands, three of which should be green men,

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\* Though the war between Great Britain and France was raging during the whole time of Waldegrave's administration, Newfoundland does not appear to have enjoyed the usual concomitant of such a state of things, and partial compensation for its evils, viz. high prices for its produce, for in a letter of the governor it is stated that in 1798 cod fish was only ten shillings and ninepence a quintal.

such as never were sealing, it would become an extraordinary nursery for seamen.

In another letter, written by a different person about the same time, mention is made of the lucrative trade of hunting seals which were taken from the drifting ice between the 25th and 31st of March.

## CHAPTER VIII.

1800.

HAVING brought this history down to the close of the eighteenth century, a period when great changes were dawning on the social condition of the people in Newfoundland, it will not be inappropriate to occupy a few pages in setting down some reflections suggested by the facts which have been narrated, and supplying one or two items which have been left out of the course of the narrative itself.

It can hardly have failed to strike the reader of this work, when he recalls his own memories of the scenes and events which have been regarded as of chief interest in the world, how isolated has been the position of Newfoundland in the midst of growing communities of men, isolated not only in respect to foreign states and peoples, but as a member of the great British family. More than one reason may be adduced to account for this.

It has arisen partly from the fact that the country did not present to settlers those attractions in the qualities of its soil and climate, which invited them in the regions further west. The fact of its being

exposed to the ice and storms issuing from the northern seas, acted as a deterrent to those who, in changing their location, sought as far as they could to surround themselves with those features in external scenery which they might invest with the cherished associations of home.

But there were other reasons of a more special character why Newfoundland was separated from the field of knowledge and of interest, presented to the English public in the contemplation of British America. The Government looked on it as a country whose peculiar external advantages fitted it to be cultivated as a national estate to be farmed for the public use. Its fisheries, so abundant as to afford a compensation for the hardships attendant on toilsome labours amidst the fogs and tempests of these seas, tended to form a race of men to whom the rough work and dangers of the deep were part of a familiar, undreaded experience, and who therefore in times of war might be relied on as the best and stoutest material for manning the wooden walls of Old England.

There was also one class of Englishmen, the merchants of the western counties, who were earnest in encouraging this idea of the country. They knew its value: it formed a rich field, the principal share of the harvest of which fell to themselves, and they were content that the Government should obtain whatever advantage might be gleaned from the developed muscles and disciplined nerves of the labouring reapers. And so colonisation was

discouraged. The land, it was said, was not fit for it, nor could it be permitted, without inflicting serious injury on the king's service.

What would seem to establish the justice of these views is the fact that all the governors appointed during the eighteenth century coincided with them, not merely, as was to be expected, from their position and feelings as naval men sympathising with the view that the fishery was to be considered chiefly as a nursery for British seamen, but also agreeing with the notion that the country was unfit to be the comfortable and civilised home of a community. Again and again their letters contain the expressions, 'this desolate country,' 'this dreary country,' and sometimes this 'dreadful country.'

Yet to those who can testify by their own experience that it is not an utterly desolate, or dreary, or dreadful country, these phrases of the admiral governors need not excite much surprise when account is taken of the circumstances under which their opinion was formed, and how little had been done to make the best of the land, or even to make trial of its capacities.

It is easy to imagine one of Caesar's lieutenants, near two thousand years ago, being left behind in command of the legions which in ancient Britain held the posts on the Tyne, the Thames, and the Severn, as he wrote to his friends in sunny Italy, bewailing his sad fate in being compelled to spend the winter *in this desolate country*. Yet the England of to-day bears witness that the elements of much that is fair and noble lay hid beneath the

repulsive aspect of the scenery which might have awakened the disparaging reflection of the Roman. On something like the same grounds, from which such a disparaging reflection was formed, we may account for the depreciatory epithets employed by the Governors of Newfoundland in speaking of the country subjected to their periodic sway.

For, consider the circumstances under which the Governor took a view of the condition of the country. He generally arrived in the month of August at a place in which, though there was growing up year by year an increasing number of resident inhabitants, yet these residents had no legal right to appropriate a spot of ground or to set up a house, excepting such persons as were furnished with the precarious title contained in a conditional grant conferred by some previous governor. Consequently, the habitations were generally of the meanest description, mostly put up by stealth during the winter, when the governor was away. (The interval between the departure of one governor and the arrival of his successor was the busiest season for fencing off ground, and running up huts and stores.) The new dwellings were huddled close to some former erection, the better to escape notice; thus making material for a swift conflagration, in case of a fire breaking out in any one of them. On these houses there was no lavish bestowment of the luxury of paint, for that might give too marked a change to the aspect of the place in the eye of one who had seen it a year before. Such being the sort of habitations and such the manner of their irregular

extension in the midst of stages, flakes, and other appurtenances of the fishery, small relief was afforded to the picture in the agricultural or horticultural possessions of the people, for to obtain land for such purposes was almost prohibited, the very sight of a growing cabbage or a green potato plot suggesting to the jealous guardian of the rights of the fishery the idea of encroachment. Such were the components of the landscape presented to the Governor in the harbour of St. John's during the summer season; and this being considered the best sight in the island, it is no wonder that when he was sailing away in the beginning of November through the thick and chilly fogs floating for many a league on the fishing banks, as he thought of those compelled to spend the winter inside the folds of that vapoury curtain, he was thankful that he was being borne away from that *desolate* country.

But while the common idea of the island, so far as any idea of it was common, was thus unfavourable to its drawing towards it the respectable emigrants, who make it a matter of choice as to where they will pitch the tents of a new home, there were classes to whom the very features which repelled others constituted an attraction. It were unjust to speak disparagingly of the earlier settlers in Newfoundland, or even of the bulk of those who at a later period took up their abode there. The colonists introduced by Sir John Calvert in Avalon, and those whom Mr. Guy brought to Conception Bay under the auspices of the London Company, were doubtless a chosen order of people,

whose character and habits adapted them to be the proper founders of new communities. Of those, too, who came to the fishery year by year, and who saw, under the unsightly aspect of the land, the signs of a place which might some day afford a better prospect to their children than the crowded shores of the Old World, it is probable that a large proportion were such men as go to form the strength of any State. Indeed, no one can read the records of the colony without being struck by the many letters from persons in the different outposts, as well as from parties in St. John's, indicative of men strong in their healthy individualism both of an intellectual and a moral kind.

Still, there was another stamp of people than the above mentioned, to whom Newfoundland became a favourite and a welcome refuge. In an early chapter of this work quotation has been made of the representation that the country was 'a sanctuary for men that broke in England.' Of the thousands who annually visited it in the summer, there were those who found it convenient to stay, leaving their debts behind them in the old country, and in some cases leaving the encumbrances of wife and children behind them too. Ireland furnished an ever augmenting throng of people whom want had demoralised, or oppression had made mad. Times of riot and convulsion in that country were always followed by the migration of numbers who in Terra Nova found friends to shelter them from penalties incurred, and eager to hear them tell the story of the wrongs of their native land. After the

rebellion in 1798 there were many who in this way found a refuge from the fetters of a prison, or perhaps a worse and sharper fate.

While the population of the island was gradually forming in this manner (and the process went on through generations), what was being done to transmute these elements into an orderly, a moral, loyal and religious people? The answer which the history yields is,—nothing at all, or next to nothing. The governors and magistrates were continually descanting on the evils of an irregular immigration. Proclamations were issued, forbidding the fishermen to remain in the country after the voyage was over. Hardships were inflicted on the settlers so as to make the island an undesirable place for any but the bravest or most desperate to live in. But scarcely any provision was made to promote the education of the people, either for the duties of this life, or the interests of the next. There were settlements on which successive generations were born, lived and died without the advantages of religious ordinances. Marriage was a rite which in hundreds of instances the people had to perform for one another, which they often did without a strict regard to ecclesiastical prohibitions against alliances of consanguinity. On this latter point there is on record the testimony of a clergyman placed over a district in which better order was becoming established, testimony which shows the debasing influence of looser habits still lingering in the sentiments of the people. Writing to Governor Waldegrave this clergyman states that he had been

requested to officiate at an incestuous marriage, and on his refusal, the man had gone home with his intended bride, had got his servant to read the marriage service, and the union was consummated. What is specially remarkable about this case is the fact, that when it was submitted to the Crown lawyers at home, they were not sure that the law of England could be made effectual in Newfoundland, to prevent or punish such outrages against social propriety and decency.

While thus a considerable portion of the Protestant inhabitants were left to their own devices, without any religious teacher to guide them in matters affecting the very existence of social order and virtue, another and a larger class of the people, the Roman Catholics, were prohibited by law from receiving the ministers whom their faith taught them to revere, and from exercising any of the rites of their Church. Not until 1784 did a Catholic priest find himself at liberty to perform the functions of his office among the thousands of his communion who had made their home in Newfoundland.

Is it wonderful, under such circumstances, that disorder and crime should be rife—when such a state of things prevails? That they were abundant is evident from the Records of the colony, during the latter half of the eighteenth century. These memoranda not only tell of isolated offences, which, though shocking enough when seen in their singleness, yet may perhaps be paralleled by examples in more advanced communities, but they indicate a corruption of the mass in some remote settlements, bringing forth

deeds, to transcribe the account of which would defile the pages of this work.

As has been shown, attempts were at length made to ameliorate or remove the evils to which attention has been called. The Church of England, acting more especially by means of the Society for the Propagation of the Gospel, sought to provide for the wants of her scattered children in this island. A wise toleration was established, under which the priest of the Church of Rome could attend to his multitudinous flock, and the nonconforming Protestant could follow the dictates of his conscience, and seek to spread his views of Gospel truth.

But while this favourable change brought into activity forces which slowly operated for good on a mass of human material which had been too long neglected, that material was wrought upon by the influence of a system which entailed habits, the baneful operation of which has continued ever since, and is at the present day bewailed by all enlightened well-wishers of the country and its people.

It is difficult to trace to its origin what is well known in the colony by the name of the credit system. But it is most probable that it naturally grew out of the fact that the merchant who exported from Newfoundland the fish taken in its waters was also the provider of the means, both the needful appliances for the actual fishery and the support of those engaged in it, by which the work was carried on. From this it followed that the profits of the merchant as a vendor of provisions could only be calculated on the condition

of the voyage being a good one. In fitting out his servants in the fishing ships, or at a later period, in supplying the by-boat-keepers, what was so furnished to them was charged by the merchant on credit, to be repaid in fish when the voyage was over. And as the result of that voyage depended on causes beyond human control, and the operation of which was even more doubtful than in most human vocations, a proportionate margin of profit had to be laid on the goods given out, so as in case of success to compensate for the risk of failure; and also to make the gain from the man who did succeed cover the loss arising from the want of success in another man indebted to the same merchant.

A system like this found just the material that seemed adapted to it, in the motley population that was settling in the harbours of Newfoundland. Destitute, improvident, reckless of the future, the larger portion of the people were willing to engage themselves on any terms in the fishery; quite ready, provided they could obtain what they wanted, whether for subsistence or indulgence, to take it, at whatever price might be set upon it, when payment was to be made out of the result of the season. And when the season was over, they were equally ready to mortgage the next year's labour for the means wherewith to support themselves and their household during the winter. To meet such cases, the merchant was under the necessity of fixing a long price on what he gave out on such a tenure, and was tempted, as has been noticed in the preceding chapter, to fix his own

price on the fish he received in return. Yet it was not all gain which the supplier obtained from this system. The fisherman who got into debt knew that for the supplies for which he was indebted he had been charged at an exorbitant rate, on the chance that he might not be able to pay, and therefore scarcely felt the responsibility of the debt; but considered himself justified, if it became too onerous, in trying to evade it altogether.

But the worst effects of this system fell on the man who, more industrious than others, was therefore as a rule more successful. On him it fell—and he knew that it fell on him to make good to the supplying merchant the failure arising from his less diligent, consequently, less prosperous neighbour. Hence, besides the moral disorder which such a system fostered, it also engendered a soured disposition in the labouring orders toward the merchants as a class; and this disposition there were not lacking persons to sympathize with and to encourage for ulterior ends.

This system of credit is that which still prevails in the fishing trade of Newfoundland, one of those legacies from the past, which, from being inwoven in the habits of the people, it is so difficult to remove. The need of a change is growing to be increasingly felt by all parties concerned. The struggling fisherman is conscious of being held by it in a state of bondage, from which he would willingly be free, if he knew how to extricate himself. The merchant, too, is becoming sensible, that often the disadvantages

of the system overbalance its profits. For in a country which is self-governing, on the basis of a suffrage which gives the labouring fishermen the preponderance in the election of the Legislature, it has not been difficult to have laws framed for the regulation of the trade, which look chiefly to the benefit of the masses; and as the jurymen who have to decide on the application of the law in disputed cases, are drawn from the same class as that which deputes the law-makers, the interests of the merchant and, as he thinks, his rights, often go to the wall.

Perhaps one of the worst evils derived from the credit system, and the one which it will be most difficult to remove, is its having fostered the spirit of pauperism, by which large numbers of the labouring people are infected. Being accustomed to depend on the merchant's stores for supplies needed in adverse times—which supplies were procured on the chance of a return being made in fish, in a hoped-for prosperous season—and the merchant being, from the above-mentioned causes, less disposed to issue supplies on a trust which is more fallacious than formerly, the discarded applicants naturally look to some other quarter on which to place their dependence. And as the government is their own, responsible to them alone,—as they send the members to the House of Assembly,—as these members have the disposal of the public chest, why, then, surely they have the right and the power to call upon their representatives to provide for them out of the Colonial Treasury in the day of their need, and thus there has grown up

that monstrosity which has been previously mentioned—one-third of the public revenue given out in pauper relief.

From the brief review which has been taken of the social elements existing in Newfoundland,—the original character of numbers of those who took up their abode in the country,—the religious intolerance with which, for a long period, one part of the population had been treated, and the culpable neglect which had been manifested towards the other part, the necessary but illegal squatting by which a quasi-right had been acquired over portions of the soil,—the system of trade which, presupposing an inferior measure of integrity among the labourers and lesser planters than is usually relied on in commercial intercourse, and which, leading the merchants to insure themselves against the effects of such moral laxity, by taking an extravagant profit, where profit could be made at all,—excited against them as a class, in many minds, feelings of discontent which, though smothered, were struggling for an opportunity to break forth;—it will be seen that there were evil and dangerous conditions in the social state of the community. The bad fruits of these were not all to wait for their developement to a distant day. They had indeed well nigh brought forth, before the close of the eighteenth century, a terrible crime.

It has been seen in the previous chapter, that Governor Waldegrave had formed but a poor opinion as to the character and the designs of the labouring population of the colony, and also of those who

from among that class had been enlisted in the military service of the Crown. The latter, he said, were not to be relied on in case of civil commotion. And perhaps it has occurred to the reader of the addresses presented to His Excellency in 1797, after his speech to the mutineers of the Latona, that the troops showed a strange alacrity, by offering large pecuniary rewards to clear themselves from the imputation of disloyalty. There was an eagerness and an ostentation about the proceeding, which probably had a share in suggesting to the Governor the suspicion, which he afterwards recorded, of the doubtful character of the Newfoundland regiment.

To stimulate the growth of whatever seeds of anarchy were germinating in the community, the times were out of joint. The convulsions in France had given a rampant influence to the spirit of turbulence and revolution everywhere. And while in most parts of Europe this spirit had shown itself in an endeavour to throw off the restraints of religion, in Ireland it had entered into a strange alliance with zeal for the ancient church, forming a combination which aimed at once to win emancipation from the Saxon rule and from Protestant ascendancy.

In Newfoundland the admixture was of a still more complicated character; for there, in league with the most devoted attachment to Roman Catholicism, there appears to have been a large infection of the infidel opinions derived from the writings of Paine. But as in such a combination any active design must

take its colour and shape from the principal element entering into its composition, there was conceived, developed, and all but consummated, a conspiracy after the Irish pattern, adopting as its watchword, the ancient church, and a bloody triumph over its enemies. This conspiracy seems to have been secretly working for some time, suggested, as was given in evidence afterwards by one implicated in the plot, by a communication from Ireland, where was organising the movement which led to the rebellion of 1798. After the inglorious termination of that rising, many Hibernians, for whom a residence in their own country was not altogether safe, sought and found a refuge in Newfoundland, and as they brought with them their national and religious passions, exasperated by defeat, their presence added fuel to the fires which were smouldering in the community that gave them a reception. As if the British government were rather dubious respecting the loyalty of the population, Major General Skerret, who had distinguished himself at Vinegar Hill, was sent to take charge of the troops. This appointment was conferred only in good time.

In St. John's an association of United Irishmen had been formed, the members of which were leagued together by an oath. The terms of the oath were very general, as setting forth the objects of the association, so far as these were communicated to the majority of the members.

From the evidence of Nicholas M'Donald, who himself had been sworn, it appears to have consisted

of three parts. They are thus stated by him before the court-martial :—

1st. ‘By the Almighty Powers above, I do persevere to join the Irishmen in this place’—then he kissed the book.

2nd. ‘I do persevere never to divulge the secrets made known to me’—kissed the book.

3rd. ‘I do persevere to aid and assist the heads of the same, of any religion’—kissed the book. The last clause was probably directed to meet the case of such of the leaders as were not of the Catholic pale.

The same witness also described the signs and passwords by which the members were to discover those who were bound together by having taken the oath; from which it may be gathered that the great object of the conspiracy, as it was presented to the mass of those concerned, was to do something, as was supposed, for the honour of the ‘old religion.’ This witness further testified that he understood that there were about four hundred men sworn in St. John’s (which must have represented the majority of the families then living in the town), and that their only dread was about the military, the Newfoundland regiment.

But the soldiers had their own grievances: being enlisted principally from the class which furnished the adherents to the secret society of United Irishmen, they were only too likely to sympathise with the social and religious feelings of that body. Besides this, their discipline was hard—flogging to the extent of five hundred lashes, for comparatively small offences, furnishing a spectacle which the regiment was drawn up to see, many a morning before breakfast.

Such men were but too ready to listen to suggestions that they might aid an enterprise which, while it was directed against the enemies of their faith, might set them free from so hated a yoke, and perhaps enable them to take vengeance on those by whom they had been oppressed. Accordingly, when proposals were secretly made to them to this effect, one by one yielded to the temptation, each one gained over becoming in his turn a tempter to others; until, at length, nearly the entire regiment was leagued in a confederacy whose intent was rebellion and mutiny. As the organisation was completed, and the leaders formed a satisfactory estimate of its strength, a plan was propounded by which it became known what was the full purport for which the association had been formed. It was nothing less than to rise upon and destroy the merchants and all of any wealth in the capital—and, indeed, in other districts—the intended victims being Protestants. In St. John's the outbreak was intended to be on a Sunday, when the principal inhabitants and the few soldiers who were Protestants, with their officers, were at church. As it was in the orders of these latter not to carry their arms to divine service, an opportunity was thus afforded to the disaffected majority of the regiment to obtain possession of all the arms, and so have their comrades and the citizens at their mercy. Under such circumstances, it was planned to concentrate the attack on the church, which, according to one report, was to have been torn down—according to another, blown up—and then a murderous onslaught to be

commenced on the Protestant citizens generally. Should the work be thus successfully inaugurated at St. John's, this was to be the signal for its reproduction throughout those districts in the colony where the conspirators were in sufficient force.

But happily schemes so dreadful as this, necessarily known to so many persons, can scarcely fail of being divulged. As the time for the projected crime drew near, Major-General Skerret, at the head of the mutinous regiment, and holding chief authority in St. John's, in the absence of the Governor (for it was in April—months before the usual time of the arrival of His Excellency), had information given to him of what was in preparation. How that information first leaked out there is no authentic evidence to show. It is said to have been conveyed from Ferryland. But all the testimony on the matter concurs in assigning to the Roman Catholic Bishop, Dr. O'Donnel, the credit of acquainting Major-General Skerret of the danger which was impending, and of cordially and most usefully aiding to counteract the plot and to prevent the outbreak; urging on the major, it is said, to deal with the soldiers, and undertaking himself to deal with the misguided populace.

By the prompt measures taken by the bishop and the commandant, the conspiracy, as regarded its chief and terrible intent, was rendered abortive. On the Sunday morning on which it was intended to put it into effect, the order was issued to the several garrisons and quarters of the troops, that the men were not to go to church, but to assemble on parade. While at

the latter they were subjected to an inspection, which, if the order of the morning had not aroused their suspicion, effectually convinced them that their scheme was blown. It is said, indeed, that some arrests were made, though without signifying on what specific charge. For some time nothing further was done in reference to the mutinous soldiery, excepting to lay them under a keener vigilance, and to make them bear the burden of a severer discipline. This comparative inaction was a matter of prudence; for one half, and not the least half, of the task of completely preventing the threatened peril had to be accomplished in exorcising the rebellious spirit of the townsmen. This work fell chiefly to Bishop O'Donel, who went about it with such earnestness and zeal, and was so successful in his endeavours, as to cause him ever afterwards during his stay in St. John's to be held in grateful esteem and affection by all classes, especially by those whom he had saved from being the victims in a great tragedy.

But as the conspiracy among the people in the town had been rendered abortive, and those engaged in it brought into a better state of mind, the position of the soldiers implicated in the business seemed to them more serious. They were ignorant of what was known concerning the plot, what names were marked as ringleaders, and what retribution was reserved for them when all danger from the townspeople should be past. This state of suspicion and fear led to a second plot confined to the Newfoundland regiment, the object of which was, after mastering the officers

and the civil authorities, to take possession of vessels in the harbour, and make a general flight to the United States. This plan also miscarried. A portion of the mutineers in one of the forts, under a mistake as to the time fixed on for the outbreak, commenced too soon, and being unsupported by their comrades, their attempt failed, and numbers of them fled into the woods, where, after enduring much suffering, many of them were hunted out by armed companies sent in pursuit. Then began a severe inquisition into this extensive mutiny, followed by the infliction of swift punishment. Many were tried by court-martial in St. John's, and had executed on them the sentence of death, by being hanged or shot; some were sent to Halifax, where they suffered the same miserable end. Some scores were transported to penal service out of the country, and as soon as there came a brief interval of peace, the whole regiment was disbanded.

Lest it should be imagined that this account of an evil time, the dark features of which linger as a traditionary memory among the oldest inhabitants of St. John's, is exaggerated, or has been drawn from the reports of parties influenced by religious prejudices towards those of a different faith, the author would state that the strongest authority for the foregoing representation of the character of the conspiracy and mutiny, and their dire object, is found in the letters of Bishop O'Donnel, several of which are copied in the Public Records of the time. In a petition forwarded to the king by that respected prelate, dated October 1805, the burden of which was to beseech

that the pension which had been granted to the Bishop for patriotic services rendered by him on the occasion narrated in this chapter, might be continued, after his retiring from the island, the writer uses the following language. After expressing his conviction that he had ‘the best of kings, and the most humane of governments to apply to in his distress,’ he declares that his own ‘loyalty and services have been approved of, and fully acknowledged by every governor, and particularly by Major-General Skerret, who found himself under great embarrassment in 1799, as having no force either by sea or land to oppose a most dangerous conspiracy formed against all the people of property in this island. Petitioner was fortunate enough to bring the maddened scum of the people to cool reflection, and dispersed the dangerous cloud that was ready to burst on the heads of the principal inhabitants of this town, and *even of the whole island*; for which he often received the thanks of the very deluded people who were led into this dark design of robbery and assassination.’

The ultimate aim of the conspirators was not made known, as their guilty enterprise was nipped in the bud. And as the knowledge of the Bishop concerning it was doubtless derived from the confidential communications of the confessional, it was not to be expected that it would be published by him. But it is probable, from the fact that the after-plot of the soldiers was directed to the end of seizing vessels by which to desert to the States, that those engaged in the more comprehensive design intended, after their

deed of vengeance and destruction was accomplished, to possess themselves of all the valuable movable property in the country, and convey themselves in the ships beyond the reach of the strong-handed retribution of the British Government.

In the Appendix (No. III.) will be found an interesting letter to Vice-Admiral Waldegrave during his absence in England, which furnishes a full account of the conspiracy and of its suppression. The letter is preserved in the Repository of Public Records in London, and is given *verbatim*. From this letter it appears that the date of the conspiracy was 1800, and not 1799, as set forth in the Petition of Bishop O'Donnel.

## CHAPTER IX.

1800—1807.

THE year 1799 closed, and the year 1800 opened amidst general calm in Newfoundland, with the exception of the remainder of the trouble in the garrison described in the previous chapter. The year 1800 was marked by great events in Europe. It was distinguished by the famous passage of the St. Bernard by Napoleon in May, and his splendid victory of Marengo in June. In the beginning of December, Moreau achieved the almost equally illustrious triumph of Hohenlinden. During the whole of this year Great Britain was engaged in active hostilities against the French Republic, and at its close, by reason of the successes won by the latter power in Italy and Germany, our country found a considerable maritime confederacy formed against her, a confederacy which was broken in the following year by the battle of Copenhagen, and the death, by assassination, of the Emperor of Russia.

But during this period Newfoundland does not appear to have suffered from, or to have been directly inconvenienced by, belligerent operations. The narrative of events during these two years contains only

the record of such unpretending facts as arise in the ordinary and peaceful changes occurring in the civil and social life of a community not lacking the elements of evil and trouble within itself.

Charles Morice Pole, Esq., Vice-Admiral of the Red Squadron, succeeded Governor Waldegrave, his commission bearing date May 2, 1800. He arrived in St. John's in the month of August, at which time, and for long afterwards, the small-pox was fatally prevalent in the town, and in the surrounding district. This disease has always been much dreaded by Newfoundlanders, their fear of it being justified by the amount of destruction to life which is generally heralded by its advent; a consequence which is doubtless chiefly owing to the strong prejudice existing, especially in former days, among the people, against taking the preventive remedy of vaccination. That the fatality from this epidemic in St. John's this year, 1800, must have been very serious, is evident from a return of the baptisms, marriages, and deaths, where the number of the last is one-third more than that of births. Though Governor Pole held his commission for two years, he was present in the island only during one season, his office being executed in 1801 by the Lieutenant-Governor Robert Barton, Esq., appointed by special warrant under the Royal seal on August 26, 1801. In the latter year, the records contain an entry which notes an important political change in the British empire. The governor for the time being received from the Duke of Portland a copy of 'His Majesty's order in council, settling the

royal style and title and ensigns armorial, on the union of Great Britain and Ireland, together with draughts of the standard and union flag.' The governor, therefore, 'in virtue of the before recited authority, directed the standard and union flag thereinbefore mentioned, and draughts of which were therewith transmitted, to be hoisted and displayed in all His Majesty's forts and castles within the island of Newfoundland, and islands adjacent.'

On May 27, 1802, Vice-Admiral Gambier was appointed governor of the island and its dependencies. In him the colony was again favoured with the presidency of a man whose name is traced in lustrous characters in the naval annals of his country. Along with his commission, the governor received instructions under the royal sign-manual to deliver up the islands of St. Pierre and Miquelon to such person as should be appointed to receive the same on the part of the French republic, pursuant to the definitive treaty of peace signed at Amiens on March 27. Immediately after the communication of this order the governor forwarded from London directions to carry it into effect, this duty being entrusted to Captain Edgell, commander of the ship Pluto. That officer arrived at St. Peter's, where he found strong evidence of the value which the French set upon the fishery and their possessions in these waters. There were there already 'fifteen bankers, brigs, and schooners, with about one hundred men and four hundred boats, and from appearances had made some progress in the fishery,' though there was no ship of

war, commissary, or other person authorised to take possession of the islands in the name of the republic.

It was not until August 20 that Captain Edgell had fully acquitted himself of the duty entrusted to him by restoring and delivering ‘the said islands in full right to citizen Jocet, lieutenant of the navy commanding the French Republic’s corvette *Surveillante*, to whom also he delivered the rights of the French fishery on the coasts of Newfoundland.’

The governor appears to have arrived at St. John’s in the beginning of September, where, though the breaking out of the war anew\* did not impose directly any very serious labour on him, yet in the condition of the town, and in the circumstances of the outposts, in the wants of the population generally, and in the evils too patent everywhere, a man of his humane and active mind found abundant scope for the exercise of his ingenuity to leave some seed of good behind him. From a somewhat detailed census of the inhabitants of the capital in the winter of 1801–2 it appears that the whole number was 3,420.

Of these there were Protestants, 1,139, Roman Catholics, 2,281; showing that the Catholics were somewhat more than two to one as compared with Protestants. Again, of the whole number, 2,060 were males, and only 1,360 females, a disproportion in the sexes rather adverse to the interests of morality.

\* In the summer of 1803, on his return from England in August of that year, he found 355 French prisoners of war in charge at St. John’s.

Further, there are set down 410 males and 68 females, which are not classified as heads of families, children or servants, but dieters and boarders, terms applied to an order of unsettled persons, the increase of which it was considered prudent by the authorities by all means to discourage.

One of the first objects which engaged the attention of Governor Gambier was the fact that 'the humane and benevolent measures of Vice-Admiral Waldegrave for the assistance of the indigent poor had been discontinued.' He urged a revival of those measures, and was successful in his appeal to the merchants and others. An abundant fund was raised to meet the poverty of the ensuing season, to which His Excellency subscribed 40*l.* Another scheme of a like character, of which he has the merit of being the originator, was the provision of charity schools for the education of the poor. On this subject he consulted with the Protestant clergyman of St. John's, and also the Roman Catholic Bishop, who, having seen his plans, were very desirous to give their assistance to a measure so likely to be useful to the present and future generations.

The plan thus initiated by the Governor, and which received the cordial cooperation of the persons most capable of promoting it, was founded on the basis of the Sunday school system, which had been introduced in England by Mr. Raikes about twenty years previous. It provided for the payment of teachers in two or more schools, both Protestant and Roman Catholic. To raise a fund for this purpose, 'every master of a

family, from the Governor down to those of the lowest circumstances, was expected to make a voluntary contribution according to his means ; the fund so raised to be distributed in proportion to the number of each persuasion. The masters and mistresses were to ‘assemble the children every Sunday morning, in the summer at seven, and in the winter at nine o’clock, to see them clean and as neat in their persons as their circumstances will permit ; such of them as cannot read to be taught, and those that can do so are to read some portion of the Scriptures, and other useful and edifying books, and to be taught the catechism.’

After these exercises they were to be conducted in an orderly manner to the church, which they should enter before the congregation was assembled, and be dismissed after the service was over. They were to ‘assemble in the schoolroom again in the afternoon, and proceed to church as before, and on their return from thence to the schoolroom, to be kept in for instruction till six or seven o’clock.’ They were also to be ‘assembled and instructed for an hour or two on some other day in the week.’ So great was the interest awakened towards this work of benevolence, that it was eagerly taken up in Harbour Grace, where the principal inhabitants, headed by the clergyman, ‘contemplating with concern the deplorable state of ignorance and irreligion in which the children of the poorer classes, to the number of more than three thousand, in one of the most populous districts of this island, were immersed,’ expressed their determination to ‘unite their humble endeavours to those of His

Excellency, in order to promote in some measure the knowledge and practice of religion and virtue.'

While the admiral was solicitous for the intellectual and moral improvement of the people, he was also anxious regarding matters affecting their physical health and comfort, and their social order. He endeavoured to organise some system for the removal of the filth of the town, which he saw was such a powerful handmaid to disease, and to establish a sufficient police. But the principal object of his concern was the lack of spiritual provision for the scattered people of the outports. The sense of this want was indeed becoming very prevalent among those who suffered from it. From Placentia, which had for some time been deprived of the benefit of a clergyman,—from Twillingate, and from Fogo, which had never had one, representations came from the leading people, earnestly praying that this deficiency might be supplied, and offering liberally to contribute towards the cost of such supply. So anxious was the Governor in reference to the two principal social ameliorations to which his attention was directed, that he requested the ministry to obtain from the Crown lawyers an opinion how far the law of England, providing legally for the relief of the poor, and the maintenance of the churches in repair, was applicable in Newfoundland; in answer to which appeal, he received the following opinion —‘that the provision of the poor laws of this country cannot be enforced in Newfoundland; and that the Governor had no authority to raise a sum of money by a rate upon the inhabitants for the purpose

of repairing the churches in that island.' One admirable trait of His Excellency was the earnestness and success with which he laboured to soften and abate the religious acerbities of which the materials were so rife under his government, and which but recently had yielded such bitter fruits. As an example of his success on this behalf, a copy is here given of a letter addressed by him to the Roman Catholic bishop of St. John's, together with the reply of the latter.

*Circular.\**

SIR,—It being proposed to raise a sum by voluntary contribution for erecting a steeple in the church of St. John's, and purchasing a clock and two bells, for the purpose of regulating time, calling the inhabitants in general to public worship, and giving alarm in case of fire, I am induced, in consideration of the great utility of such a measure, to recommend to you to make a collection next Sunday from *those of your church* who may be disposed to contribute to this object, giving notice of such intention, that they may come prepared for this purpose.

The vestry of the said church, who have undertaken the execution of this measure, will receive any sum that may be collected.

I am, &c. &c.

J. GAMBIER.

The Rev. Bishop O'Donnel.

To this novel request the prelate returned the following reply:—

SIR,—I had the honour of receiving your letter of yesterday's date, and will be happy in concurring with Your Excellency in a measure of such public utility as purchasing

\* A copy of the same communication was sent to the ministers of the Established and Dissenting churches.

a town clock, bells, &c.; but, I think, I could not give my congregation useful and timely notice of my intention, except on the Sunday immediately preceding the collection, when they will be all assembled in the chapel. If it meets your approbation, I'll propose it to them next Sunday, and make the collection on the Sunday following.

I have the honour, &c.,

(Signed)

JAMES O'DONNEL.

The above correspondence indicates a state of feeling which it were desirable to see more cultivated and cherished, not only in Newfoundland, but everywhere, and among all professors of the Christian faith in the present day.

At length, during this governor's administration, something positive and real makes its appearance in the Records in reference to the native Indians.

The following entry is dated September 17, 1803, at St. John's:—

William Cull having brought an Indian woman from Gander's Bay to this harbour, I have, for his trouble, loss of time, &c., paid him the sum of fifty pounds. The said William Cull has also promised to convey the woman back to the spot from whence she was brought, and to use his endeavours to return her to her friends among the Indians, together with the few articles of clothing which have been given to her.

The engagement mentioned in the latter part of this communication was not immediately carried out, apparently for want of facilities for fulfilling it. The woman remained with her captor during the winter. She is said to have been taken by Cull, as she was paddling in a canoe towards a small island for birds'

eggs. Anspach gives the following account of her appearance and conduct while at St. John's:—

She appeared to be about fifty years of age, very docile, and evidently different from all the tribes of Indians or savages of which we have any knowledge. She was of a copper colour, with black eyes, and hair like the hair of a European. She showed a passionate fondness for children. Being introduced into a large assembly by Governor Gambier, never were astonishment and pleasure more strongly depicted in a human countenance than hers exhibited. After having walked through the room between the Governor and the General, whose gold ornaments and feathers seemed to attract her attention in a particular manner, she squatted on the floor, holding fast a bundle, in which were her fur clothes, which she would not suffer to be taken away from her. She was then placed in a situation from which she had a full view of the whole room, and on the instant lost her usual serious or melancholy deportment. She looked at the musicians as if she wished to be near them. A gentleman took her by the hand, pointing to them at the same time; she perfectly understood his meaning, went through the crowd, sat with them for a short time, and then expressed, in her way, a wish for retiring. She was everywhere treated with the greatest kindness, and appeared to be sensible of it. Being allowed to take in the shops whatever took her fancy, she showed a decided preference for bright colours, accepted what was given, but she would not for a moment leave hold of her bundle, keenly resenting any attempt to take it from her.

The subsequent history of this representative of the aborigines is veiled in obscurity. The man in charge of her was entrusted with a quantity of articles costing about 15*l.*, and consisting of fishing-lines, hand-saws, hatchets, nails, clasp-knives, blankets, women's shoes, &c. &c., as a conciliatory present to be left with her

and her people. The latest recorded notice of her is in a letter from Cull dated Fogo, September 27, 1804:—

SIR,—This is to inform you that I could get no men until the 28th day of August, when we proceeded with the Indian to the Bay of Exploits, and then went with her up the river as far as we possibly could, for want of more strength, and there let her remain ten days, and when I returned the rest of the Indians had carried her off in the country. I would not wish to have any more hand with the Indian unless you will send round and insure payment for a number of men to go in the country in the winter. The people do not hold with civilising the Indians, as they think that they will kill more than they did before.

(Signed)

W.M. CULL.

The reception of this poor woman was among the latest events under Admiral Gambier's administration of the affairs of the colony. In reviewing the brief period of his rule, it is pleasant to see how the man who a few years later achieved for himself honours and renown, and a prominent name on that page of the history of the great European conflict which describes the capture of the Danish fleet — how he could find himself heartily at home in the less sounding, but more directly humane and Christian labours of providing for the wants of the destitute, for the education of poor children, for the religious instruction of a neglected population, and also to put into harmonious feeling and action a community divided by diversity of creeds, while showing a tender care towards the outcasts of whose fathers' dwelling-place that community had taken possession.

After his arrival in England, no more to return to Newfoundland, the Admiral displayed a kindly, wise, and foreseeing regard to the interests of the latter country. On December 12, 1803, he wrote an official letter to Lord Hobart, in which he set forth his views of the condition and the wants of the island. He deplored the lack of qualified persons to fill the office of magistrates in the out-harbours; declared the necessity of a vigilant police for the preservation of the peace among the lower orders, and of proper prisons for the confinement of criminals: he also urged the increase of clergymen and schoolmasters, to check the decline in the state of morals, and the neglect of the public worship of the Almighty. He asked indemnity for a measure which he had taken to ameliorate the inconvenience and distress felt by the inhabitants of St. John's from the want of pasturage for their sheep and cattle; by leasing out for a term about eighty acres of waste ground, though he was forbidden by his instructions to make grants of land.

The most important part of his letter, as evincing thought on the facts which had come under his review, and a discernment of already manifest signs of the necessity of changes which, in the course of years, were to be established, is contained in the following paragraph:—

In contemplating the low condition of society in a country which is in itself the source of so much wealth, and of such acknowledged importance to the nation, I am led to apprehend that the present system of policy observed towards that island is defective, being insufficient for effecting the

happiness and good order of the community, which is the chief end of all government. This I attribute to the want of a power in the island for framing laws for its internal regulation, and for raising the sums necessary to promote any measure of public utility by which expense must be incurred. Your Lordship is informed by the answer of His Majesty's Attorney and Solicitor-General to my queries of the 31st May last, that the Governor has not the smallest power of this nature. No money can now be raised in this island except by voluntary contribution, and that mode is, as it always must be, inadequate to the many useful purposes for which it is required, being confined to a few well-disposed people, whose residence in the island gives them an interest in the good order and improvement of the community. I therefore feel it incumbent on me to propose for Your Lordship's consideration the establishment of a legislative power in Newfoundland similar to that which has been found necessary to the prosperity and good government of other parts of His Majesty's foreign dominions.\*

In 1804, Sir Erasmus Gower succeeded Admiral Gambier as Governor of the colony, which office he held until 1807. During the years in which he administered the affairs of the island, nothing very remarkable occurred, either in its external relations or in its internal developement. War was raging on the continent of Europe and upon the seas; Great Britain was engaged in a severe struggle with the military ruler of France. But Newfoundland was unaffected (directly) by the train of events arising out of that conflict. Its people were employed in their fisheries, in which their only rivals were the

\* It is remarkable that the first suggestion in favour of a local legislature proceeded from a governor, the agitation among the people on this behalf not commencing till ten years afterwards.

Americans, and in the trade of which the fisheries supplied the material. Still, during this period facts appeared, signs of changes which the hand of time was effecting in the community, and of the introduction of other changes, the agents and the causes of which may be more definitely recognised; and the record of these deserves a place in a work which aims at exhibiting the rise and the growth of the community into the form and dimensions in which it is seen in more recent times.

One of the principal objects which occupied the attention of Sir Erasmus Gower, and which was by him submitted to the government at home, was the condition of the town of St. John's. The Governor's instructions spoke of it as a fishing-harbour—all its water-side, to the distance of 200 yards from high-water mark, being designated ships' fishing-rooms, on which no erections were to be made but such as were necessary for the work of the fishery. But His Excellency discovered that while the town proper was restricted to within the limits above mentioned, instead of the buildings in it being confined to flakes, stages, boat-houses, and cook-rooms, &c., it was pretty much filled up with shops, stores, and dwellings for merchants, carpenters, and various handicraftsmen and labourers. On making enquiry into this matter with the view of bringing, as far as was practicable, the place more into accordance with the original intention, he received an elaborate memorial from the merchants, setting forth that the harbour was of little value for fishing purposes as compared with the importance belonging to

it as the principal trading emporium of the island. If the fishing-rooms were restored, no one would use them. What was needed in the way of change was, that facilities should be given for the erection of wharves, stores, &c., to provide which it was desirable that permission should be given to build houses, and lay out streets, beyond the limits of 200 yards from high-water mark, in which tradesmen, artificers, and labourers might reside, leaving the ground contiguous to the water for the purposes of a mercantile port.

This suggestion was in its main features carried out shortly afterwards by the authority of the Governor, and with the consent of the British ministry. The plan of a new road was drawn, to run parallel with the harbour, just beyond the range of 200 yards,\* the ground on the upper side of which was sold by order of the Governor for building, the price of each house-plot being fixed as not lower than 2*l.* nor to go higher than 5*l.* This was a measure which, while it denoted a great change in the position of the capital in relation to the general business of the country, was the earnest of other alterations, not to be confined to St. John's, but to be shared by other towns and harbours throughout the island.

The population of St. John's was increasing at a rapid rate. It has been stated that in 1802 the number of inhabitants was 3,420; three years afterwards it is returned as 4,608; and in the year 1807 it had

\* The street so laid out is called after the Governor, 'Gower Street.'

become 5,057. Along with the census taken at the last of these periods, the records contain ‘an abstract of the number of passengers who have arrived in St. John’s, Newfoundland, this present season, 1807,’ which helps to explain this rapid increase. From this document it appears that 614 males, and 56 females, in all 670 persons, were landed in the harbour, five-sixths of whom were from Ireland—a fact which accounts for the growing numerical preponderance of the Roman Catholics in the population.

In the Record Book for 1805 there is inserted the first of a series of important and interesting statistics in reference to the whole island, showing the number of the people, how they were employed, what was the produce of their industry, to what countries the produce was exported, what articles were imported and used in the island, the wages paid to servants, the prices of provisions, the number of vessels built in the country, and a variety of other information.

From the principal of these tables, entitled ‘A return of the fishery and inhabitants of Newfoundland for the year 1804,’ we learn that the number of resident inhabitants was 20,380, to which may be added about 4,000 employed in the fishery, but returning to the United Kingdom at the close of the year. Of the resident or winter population, as it is termed, 12,345 are returned as Protestants, and 8,035 as Roman Catholics; 701 infants were born in the same period, and 260 persons died. The quantity of cod-fish taken this year is reported at 609,684 quintals, of which

559,442 quintals were exported. The export of train oil was 2,529 tons.

For the seal-fishery there is a special table, distinguishing between the winter fishery and the spring fishery. In the former 416 men were engaged, who took (in nets) 33,965 seals, yielding 452 tons of oil. The spring fishery employed 1,639 men in 149 vessels. The number of seals taken was 72,774, and the quantity of oil made, 949 tons. To this account of the sealing voyage the following note is appended by the reporter: ‘It is painful to remark that, owing to the long continuance of NE. gales during the periods of this fishery, 25 of these vessels were wrecked in the ice, but almost all the crews were providentially preserved.’\*

The return of the salmon fishery, which is reported as being incomplete, states that 1,197 tierces of this valuable fish were caught and sold at a price varying from 40s. to 60s. per tierce. In reference to the men engaged in taking this quantity of fish, the report says that some of them employ themselves in the salmon fishery in the summer and furring in the winter, and others carry on the cod-fishery as well as the salmon-fishery. Of the herring-fishery there is only the simple note made that it has been very inconsiderable, consisting of only ninety barrels caught at

\* Such another season as this appears to have been experienced in the spring of 1862, but owing to the greatly increased dimensions of the sealing business, the destruction of vessels was much more extensive : but very few lives were lost.

Trepassy, and a small quantity in Fortune Bay, of which no particular account has been received.

In one department of productive labour, Newfoundland appears to have been much busier sixty years ago than it is at the present day. An ‘account of vessels built in Newfoundland in the year 1804’ gives the names of no less than thirty vessels—rigged as sloops, schooners, duggers, brigs, and ships—the aggregate burden of which was 2,294 tons. The table of imports represents 550 vessels to have brought cargoes to the island, of which 361 discharged at St. John’s and 189 at the outports. Among the articles imported in these vessels, bread and flour figure at 83,389 cwt.; beef and pork, 12,571 barrels; butter and cheese, 10,522 cwt.; tea, 95,395 lbs.; sugar, including refined and unrefined, 4,499 cwt.; molasses, 223,204 gallons; and rum, 221,162 gallons. The latter appears an astounding item, when we consider the amount of population, and might well justify the sanguine dreams of Admiral Waldegrave as to the revenue that might be raised by a duty of sixpence a gallon on this article of luxury alone.

The price of provisions in St. John’s in the year 1804 is as follows:—Bread (biscuit), per cwt., 20s. to 28s.; flour, per barrel, 44s. to 50s.; beef, per barrel, 4*l.*; pork, ditto, 4*l.* 10s. to 5*l.*; butter, 1s. per lb.; molasses, per gallon, 6s. 6d.; sugar, 10*d.* to 1s. per lb. Tea is not mentioned in this list of prices, which is strange, considering how extensively it has always been used in Newfoundland. Of the first two articles named

in this list—viz. biscuit and flour—it may be stated here that in the following year (1805) the price was more than one-third higher than in 1804.

The wages of men employed in the fishery at this time varied from 30*l.* to 50*l.* including diet, with the exception of the green hands and youngsters, as beginners were termed, who received from 14*l.* to 18*l.*

The following table is inserted in full, with the note appended, as it illustrates the usages of the trade—showing the percentage which the merchants levied on the credit system, and also the different prices which ruled in the several parts of the country.

PRICES OF PROVISIONS AND OTHER COMMODITIES IN NEWFOUNDLAND,  
DURING THE SUMMER OF 1805, IN BARTER FOR FISH.

	At St. John's		In Conception Bay	At Trinity, Bonavista, Fogo	In Placentia Bay
	For Fish	For Bill			
Bread, per cwt. . . . .	40/- to 45/-	32/- to 42/-	45/-	40/-	44/- to 47/-
Flour, per barrel . . . .	60/- to 70/-	50/- to 68/-	65/- to 72/-	77/-	75/-
Pork, " . . . . .	105/- to 120/-	95/- to 100/-	126/-	130/-	130/-
Butter, per lb. . . . .	11d. to 1/2	10d.	1/3	1/3 to 1/6	1/4 to 1/6
Rum, per gallon . . . .	5/- to 5/6	3/3 to 3/9	6/6	7/-	6/- to 7/-
Molasses . . . . .	6/- to 6/6	4/- to 4/6	7/6	6/6 to 7/-	7/-
Salt, English, per bushel	11/- to 18/-	11/6 to 15/-	18/-	20/-	20/- to 22/-
" Foreign, " . . . . .	18/- to 25/-	18/- to 20/-	24/-	25/-	22/- to 26/-
Cordage, new, per cwt.	100/-	100/-	...	112/-	112/-
" twice laid, "	50/- to 56/-	50/-	...	75/-	70/- to 80/-
Grapnels and Anchors, per lb. . . . .	8d.	7d.	...	9d.	... ...
Pitch, per barrel . . . .	60/- to 63/-	55/- to 60/-	...	6d. per lb.	70
Tar, " . . . . .	42/- to 50/-	35/- to 42/-	...	{ 2/6 to 2/9 per gallon }	60/-
Tea (common), per lb. .	3/6 to 4/6	2/11 to 3/-	...		
Tobacco, per lb. . . . .	1/- to 1/3	8d. to 9d.	...	5/- to 5/6	5/-
Peas, per bushel . . . .	...	...	...	1/6	1/6
Oatmeal, per cwt. . . . .	...	...	...	11/- to 13/-	12/-
Canvas, per piece . . . .	84/-	...	...	25/- to 32/-	26/-
				95/-	90/- to 105/-

Some idea may be formed of the advanced price

charged for goods given in barter for fish, by comparing the bill prices at St. John's with the other columns.

By reference to the foregoing table, the reader will see not only a considerable difference between the prices set on goods given out to be paid for in fish and those charged for cash or bills of exchange, but also a great disparity between the first as ruling in St. John's and what prevailed in the outports. Another disadvantage under which the fishermen of the latter suffered was their ignorance of the market price both of fish and goods—an ignorance which left them very much at the mercy of the merchants with whom they dealt.

A representation of this evil has been transcribed in Chap. VII., addressed by the inhabitants of Placentia to Admiral Pole. In 1805 a similar appeal was made to Governor Gower by the people of Fogo Island, in which the petitioners declare that, 'through the impositions of the merchants or their agents in the said island by their exorbitant prices on shop goods and provisions, they were from year to year held in debt, so as not daring to find fault, fearing they might starve at the approach of every winter.' And further, they state 'that the said merchants arrogate to themselves a power not warranted by any law, in selling to us every article of theirs at any prices they think fit, and taking from your petitioners the produce of the whole year at whatsoever price they think fit to give.' 'In short, let it suffice to inform Your Excellency that they take it on themselves

to price their own goods, and ours also, as they think most convenient to them.'

So urgent did this matter appear to the Governor, as calling for some interference to put a stop to the habit referred to, that he published the following order on the subject:—

Whereas I am informed that a practice has prevailed in some of the outports of this island among the merchants of not informing their dealers of the prices of the supplies advanced for the season, or the prices they will allow for the produce, until they are in possession of the planter's voyage, whereby the latter are exposed to great impositions, the merchants are hereby required to make known to their dealers before the 15th day of August in every year, or at the time of delivery, the prices of provisions and other commodities sold by them, and the prices they will give for fish and oil, and to fix a schedule thereof in some conspicuous part of their respective stores; and in case any merchant shall neglect to comply with this useful injunction, and a dispute shall arise between him and any dealer respecting the prices charged on such merchant's account, and such dispute shall be brought into a court of justice, the same shall be determined according to the *lowest* price charged for such goods, and the *highest* price given for fish and oil by any other merchant in that district. And the judge of the Supreme Court, the surrogates and the magistrates, are hereby strictly enjoined in all such cases to govern themselves by this regulation.

Given under my hand, September 12, 1805.

E. GOWER.

During the period embraced in this chapter, subsequent to the rupture of the peace of Amiens, though the colony was never disturbed by a visit from the enemies with which Great Britain was at war, yet

preparations against such a contingency were not neglected. In addition to a regiment of regular infantry, recruited within the island, a corps of volunteers was formed in the spring of 1805. Its organisation took place in the absence of the Governor, and originated in an alarm, occasioned by the arrival from Bermuda of intelligence that a squadron of French ships of war was cruising in the West Indies. On the receipt of this news, the magistrates in St. John's were requested to 'call a meeting of the inhabitants to take into consideration the expediency of forming a voluntary armed association for the protection of public property, or to be otherwise employed as occasion might require, in case the enemy should be disposed to make an attack on the island.' The result of this meeting was the hasty formation of five companies, each consisting of fifty respectable inhabitants of the town, under the command of officers chosen by themselves, and approved both by Major-General Skerret, commandant of the garrison, and by the magistrates. These were regularly embodied and furnished with arms from the garrison. This corps of volunteers was sanctioned by the Governor on his arrival, and afterwards, while the war lasted, received cordial encouragement both from the ministry in England and the authorities in the colony.

The internal peace and order of the community during this period seem to have been tolerably well preserved—a fact which was due not only to the regulations of the government, and the vigilance and activity of the magistrates, but also, and in a high

degree, to the counsels and labours of Dr. O'Donnell, the Roman Catholic bishop of the island. This good man, whose beneficial efforts in the time of the trouble in 1800 have been referred to, employed himself and the influence of his office in a manner most calculated to do Christian work among the somewhat turbulent flock entrusted to his charge. Though, from the strictness of the British laws against his order, his only ecclesiastical rank was that of 'Titular Bishop of Thyatira in Asia,' yet, under a government which compelled him to resort to such an evasion of its provisions, he gave his heart and his endeavours to promote peace, order, and loyalty, to abate party passions and sectarian animosities, and to exorcise the bitterness existing in the labouring and subject classes towards their employers and rulers, which had too long been rife in Newfoundland. For these services, and for the great benefit he had conferred on the respectable and Protestant inhabitants of the colony, in his successful cooperation to preserve them from a plot which had been prepared for their destruction, the merchants of St. John's memorialised the government on behalf of the bishop, urging that he should be represented to the King's ministers as an object meriting some signal mark of favour. This memorial was strengthened by the testimonies of Governors Waldegrave, Pole, and Gambier, and by that of Major-General Skerret, and was effectual in obtaining a grant of 50*l.* a year to the Bishop during his residence in Newfoundland, which grant was afterwards altered to a life annuity, without restricting him to dwell

in the colony. Thenceforth, this grant appears in the estimates for each year's expenses in the simple sentence — 'To Bishop O'Donnel, for patriotic services, 50*l.*'

When it was said that the internal peace and order of the society were tolerably well preserved at this time, it was not meant that the community was, in an exemplary manner, free from offences and crimes. Indeed, one of the saddest reflections which is occasioned in reading the Colonial Records, is produced by the frequent instances of capital offences tried in the supreme court. In a population which, at the latest census given, only reached 20,000 souls, every year there were two or three persons to be hanged, and this, not through the peculiar severity of the penal laws of that period, but for crimes which, under the humane sentiments prevailing in the administration of justice in our own days, are visited, by the common consent of society, with no less a penalty than death.

But already there were appearing the signs of a demand for an improved order in the arrangements of society, whose influence must tend to promote social education and morals. Of all the institutions which have helped to benefit the minds and hearts of men, perhaps none deserves a higher place than that of the post office, and the conveniences for social intercourse connected with it. Such an institution had been unknown in Newfoundland until the year 1805. The merchants depended for their correspondence on private conveyance, with all the uncertainty and risk belonging to such mode of

communication. The humbler classes had no other means of writing to their friends or hearing from them, than casual kindness afforded, and it is probable that such a chance resource was but rarely sought for. In February 1805, Governor Gower made application on behalf of the merchants of St. John's for the convenience of a postmaster in that port, to whom bags of letters made up at the General Post Office in London might be sent as opportunity should offer by merchant ships. To this application he received the reply that every facility would be given to the correspondence of Newfoundland, that a bag would be made up in London, and that the postmaster of Halifax should be made acquainted with, and directed to act upon, that arrangement.

The year following that in which St. John's obtained the advantage of a recognised connection with the postal system of Great Britain, witnessed another innovation on the stagnant habits of the colony, and one which brought it into nearer alliance with the features of civilized states. This was, the establishment of a newspaper. Up to 1806 there had been no such vehicle of intelligence, the people being indebted for their acquaintance with public affairs to the information irregularly received, and sparsely circulated in private letters. Indeed, previous to this period there had not been in existence even a printing office, all notices from the magistrates, and proclamations by the governor having to be copied out by hand. With a view to remedy this want, the magistrates, merchants, and principal inhabitants of St. John's, addressed to Sir Erasmus Gower a re-

presentation to the effect that the establishment of a printing office and the publication of a newspaper in the town would be beneficial to the trade of the island, by circulating advertisements and communicating much useful information in the out harbours. They also requested His Excellency to allow Mr. John Ryan, whom they recommended as a person of good and respectable character, to settle in the town, to carry out the above desirable object. In answer to this representation and request the Governor granted permission to the said John Ryan to establish a printing office, and to publish a weekly newspaper, to be entitled the ‘Royal Gazette, or Newfoundland Advertiser’—‘provided he shall give bond in the court of sessions for two hundred pound sterling, with good securities, that previous to the printing of each number of the said paper, he shall submit the perusal of the proposed contents thereof to the magistrates in the said court of sessions, and not insert in the said paper any matter which in their opinion, or in the opinion of the Governor for the time being, may tend to disturb the peace of His Majesty’s subjects.’

The institution thus guardedly ushered into birth has not been the least fruitful of those introduced into Newfoundland. The Royal Gazette still holds its position, and is the organ for the official communications of the Government. But it does not stand alone. There are, besides five weekly papers, four published twice a-week, one tri-weekly, and two daily papers, an amount and variety of journal-

ism, which is somewhat wonderful when it is considered that nine-tenths of its circulation is confined to St. John's and the neighbourhood, with a population not exceeding thirty thousand.

These papers are conducted with a variety of talent; they severally represent all interests and classes, all political opinions, and all the varieties of religious faith and feeling; and, whether for good or evil, they exert a considerable influence on the mind and action of society.

In the same year, 1806, there commenced an organisation, which was also to be continued to the present day, and to be followed by examples of a like character. This was the 'Irish Benevolent Society,' a copy of whose rules and regulations was submitted to the Governor for his approval. The object which the society professed to have in view, was to make provision by which Irishmen should relieve the wants and distresses of their fellow Irishmen. The Governor, in according his permission for the establishment of the society, on the ground that he highly approved of every institution properly regulated, having for its object the relief of the poor in a place where no parochial laws were established for that purpose; yet took the oportunity to declare his opinion that it was better in the formation of such benevolent societies in the place, that all national and religious distinctions should be carefully avoided. The magistrates were enjoined, therefore, on any future application for a like object, to govern themselves by the opinion thus expressed.

The example of the Benevolent Irish Society has been deemed more worthy of being followed than the sentiment and counsel of His Excellency. It has been succeeded by three other societies, all formed on a restricted basis—the St. George's Society, composed of Englishmen, or the sons of Englishmen—the St. Andrew's Society, confined to Scotchmen and their descendants—and the British Society, a little more catholic in its spirit, as it embraces members whose origin may have been on either side the Tweed. And if the preservation of these lines of demarcation between the subjects of the same empire has tended to foster the feeling of a narrow nationality, which it were desirable should give place to a larger sense of a common unity, the evil is perhaps compensated by the greater earnestness with which each section applies itself to the charitable work, which it is the chief object of these societies to perform.

A subject of higher interest than post offices, newspapers, or benevolent societies, yet one which denoted an element having its part and influence in the developement of life in Newfoundland, finds a place in the Records of this period. The following entry is dated July 29, 1803:—

GENTLEMEN,—The four persons named in the margin, who are arrived here from Quebec, being *Players*, having requested I will allow them to exhibit their *Theatrical Representations* in St. John's, you are to permit them to do so, so long as they shall continue to conduct themselves in an orderly and decent manner.

(Signed)

E. GOWER.

The Magistrates of St. John's.

Sir Erasmus Gower took his final leave of the colony at the end of October 1806. Before his departure he received an address which bore the signatures of the merchants and other inhabitants of St. John's, conveying the expression of their feelings of admiration and gratitude, for the manner in which he had attended to the interests of the trade, and the welfare of the people in general. And though little of excitement characterized the three seasons of his administration of the affairs of the country, yet during that time he had obtained, or given his consent to the introduction of agencies which, though unpretending on their first appearance, were not to be the least influential among those affecting the future of Terra Nova.

Subjoined is the cost of the civil establishment of the colony in 1806:—

	£	s.	d.
Salary of the Governor . . . . .	500	0	0
Governor's Secretary . . . . .	182	10	0
Judge of the Admiralty . . . . .	200	0	0
Naval Officer . . . . .	100	0	0
Allowance to the Sheriff at 10s. per day	182	10	0
Do. to five Missionaries of the Church of England . . . . .	250	0	0
Do. to late Chief Justice, retired . . . . .	200	0	0
Do. towards building a parsonage at St. John's . . . . .	700	0	0
Pension to Rev. Dr. O'Donnell . . . . .	50	0	0
Allowance on account of fees for the receipt and audit . . . . .	100	0	0
Agent . . . . .	100	0	0
Total	<u>£2,565</u>	<u>0</u>	<u>0</u>

## CHAPTER X.

1807—1812.

ON July 26, 1807, Admiral Holloway arrived in the harbour of St. John's, to exercise the functions of governor over the island, and commander of the fleet on the station. On the 28th he landed and was received with the customary ceremonies. The same day he took the oaths and made the necessary arrangements for carrying into execution the duties of the Government.

In a letter written shortly after his arrival to Viscount Castlereagh, he expressed his satisfaction in having to inform his lordship, that according to the reports he had received from all parts of the island, good order and regularity had prevailed among the inhabitants during the winter. He was also happy to report that the seal-fishery in the spring had been successful, and that the cod-fishery promised to be equally so.

One of the first acts of His Excellency was to give his sanction to the issue of the ‘Royal Gazette,’ and to cause to be recorded a ‘memorandum of conditions on which the printer is suffered to publish his weekly paper,’ viz. :—

Giving security in the sum of 200*l.*, that he will not suffer to be inserted in his paper any paragraph or extracts from other papers, which indicated anything inflammatory against the Government of Great Britain or its dependencies, or any paragraph which may tend to sow dissensions among the inhabitants of this island, and never to give or to suffer any opinion to be given upon the policy of other nations, but to confine his paper solely for the benefit of commerce, and the inhabitants of this Government and others trading with it.

No paper of any kind is to be printed without the printer's name at foot thereof, and he is to keep the original manuscript of everything printed, in order to have reference to the same if requisite.

(Signed) J. HOLLOWAY.

The first number of the Gazette appeared in August, and complied, as did the succeeding issues, with the above conditions. Indeed, so little is there of any editorial character, or even of intelligence, respecting local events, that in a file of papers, containing the publications of seven years, very scanty material is to be obtained for the purpose of this work. Yet it is interesting to look over these dim, soiled pages, not only for the memories they recall of a series of events among the most wonderful in the history of the world, but because the reader is led to imagine that he can realise the feelings which the tidings of these events, in their sudden, irregular announcement, produced among the good people of St. John's more than half a century ago. The facts which form the material of no small portion of Sir Archibald Alison's voluminous history, were jerked out, as it were, piecemeal by ships that came into the port. Napoleon's continental

system, and the retaliatory measures of the British Government — the war in Friedland, and the peace of Tilsit — the battle of Wagram — the first landing of Sir Arthur Wellesley in Portugal — Talavera — Salamanca — Vittoria — the boastful march into Russia, and the desolate return — the occupation of Paris — the battle of Waterloo;—all appear in the exciting paragraphs which the editor of the Gazette was called to dole out to readers who had been without a newspaper before.

Besides the excitement occasioned by intelligence of the grander proceedings and the more startling incidents of the war, the people of Newfoundland were made to feel in their own interest the evils arising out of that colossal strife. Not that there was much danger or apprehension of invasion or insult in its harbours, from the enemies of Great Britain; for the victory of Trafalgar had pretty cleanly swept the seas of every hostile squadron. The worst effect of the state of warfare in this country was in relation to the export trade of the island to foreign states. By the famous Berlin decree of Napoleon, and the answer to it in the Order in Council of the British Government, nearly all legitimate intercourse between the British possessions and the States on the continent of Europe was brought to an end. Consequently, the markets of the principal Catholic countries in which had been found the best customers for Newfoundland fish, were barred against the admission of that article. This was a condition of things which to a great extent neutralised the value of the

favourable fisheries which are attributed to this period. It also called forth a memorial from the merchants engaged in the trade, suggesting remedies for the evil under which they were suffering. One measure which they recommended was, that a bounty should be given by the Imperial Government for every quintal of dried cod-fish, every tun of oil, every tierce of salmon, and every barrel of herring or mackerel exported to Great Britain or any of its dependencies.

Another suggestion put forth in the same document, is curious and ingenious. It starts from the allegation—

That it would afford great relief to those concerned in the trade of the island if a plan could be adopted to promote the consumption of cod-fish in the United Kingdom. And for this purpose, say the memorialists, we beg leave to suggest the following, that one pound and a half of dried cod-fish be issued to each individual in His Majesty's land forces per week, the like quantity to be issued to the navy on the home station and those in port, also that three pounds of dried cod-fish per week be issued to each prisoner of war, and that one pound and a half of dried cod-fish per week be issued to every person employed or confined to a workhouse; this, on a moderate calculation, would require three hundred thousand quintals of fish annually, besides the advantage of having the article introduced into the interior of the country, where at present the inhabitants have no means of procuring it, and consequently, cannot increase the consumption.

It does not appear that this experiment in the way of educating the British people into the use of a fish diet, to be supplied from the stores in St. John's, was acted upon by the English Government. But in two months after the date of the memorial of the mer-

chants, those gentlemen were gratified by the receipt of the following missive from His Excellency:—

‘ The Governor feels very great pleasure in congratulating the merchants of this island on the good news received yesterday from England, of the prospect of peace between Great Britain and Spain, which will open a market for their benefit.’

If the people of Newfoundland had a superabundance of fish, which the above intelligence suggested the hope of their being rid of, with some profit to themselves, they were also afflicted with a scarcity of flesh, and, indeed, of provisions of all kinds. From the unsatisfactory state of the relations between the mother-country and the United States, there was an interruption to the stream which the colonies obtained from the latter country. This was the occasion of much suffering and apprehension in St. John’s. For weeks the inhabitants, even the most respectable, were strangers to the luxury of fresh meat; and it was judged needful by the authorities to issue orders for the importation of live cattle from the Azores and certain western islands.

There were two principal matters concerning the government of the country which distinguished the period of Governor Holloway’s administration. One was, the permanent establishment of the judicial system, which had for many years been in operation. It has been stated in Chapter VII. that in 1792, an Act of Parliament was passed, instituting a supreme court of judicature in the Island of Newfoundland, under a chief justice appointed by the king. The Act

likewise provided that the Governor, with the advice of the chief justice, might establish courts of civil judicature to be called surrogate courts in other parts of the island than St. John's. In consequence of the favourable result of this experiment, another Act was passed in 1793, renewing the former with some additions and amendments. From the last-mentioned year, the statute thus improved was continued by an annual vote of the British Legislature until the year 1809, when, after a careful examination of the system which had had so long a trial, it was again submitted to correction, and the courts of judicature introduced by it were made perpetual.

In the same year, the Labrador was re-annexed to the Government of Newfoundland. It has been before stated that after the Treaty of 1763, that territory was placed under the administration of the authorities in this island, but afterwards was restored to the Government of Quebec, on account of difficulties arising out of grants to a few persons, made under the rule of the French. The advantages derived from the change thus made proved to be more than counterbalanced by evils growing out of that measure. The Labrador was so remote from the seat of Government at Quebec, that the Americans found little or no hinderance to their carrying on an illicit trade with the people on that coast. On this subject Governor Holloway wrote to Lord Castlereagh in 1807, suggesting to His Lordship the desirability of the coast of Labrador being restored to the jurisdiction of Newfoundland. This transfer was effected in 1809, and

the commission of Sir John Thomas Duckworth in the following year appointed him governor and commander-in-chief over the island of Newfoundland, ‘and the islands adjacent, including the islands of St. Pierre and Miquelon, and all the coasts of Labrador from the river St. John to Hudson’s Straits, the island of Anticosti and others adjacent,’ &c., according to an Act passed in the forty-ninth year of His Majesty’s reign, entitled — ‘ An Act for establishing Courts of Judicature in the island of Newfoundland, and the Islands adjacent, and for re-annexing part of the Coast of Labrador, and the Islands lying on the said coast to the Government of Newfoundland.’

During Governor Holloway’s period of rule in the colony, a somewhat singular endeavour was made to open a friendly intercourse with the native Indians. His Excellency’s plan for this purpose is thus described in his own words to Lord Castlereagh :—

To have paintings representing the Indians and Europeans in a group, each in the usual dress of their country. The Indians bringing furs, &c., to traffic with the Europeans, who should be offering blankets, hatchets, &c., in exchange. The pictures to be taken (by an officer commanding one of the schooners), to the place usually resorted to by the Indians, and left with a small quantity of European goods and trinkets, and when taken away by the Indians to be replaced by another supply.

This idea received the sanction of the minister; a picture was prepared, and sent down by the coach to the Governor at Portsmouth, whence he was about to sail to the colony. The picture was after-

wards entrusted to Lieut. Spratt, who proceeded in an armed schooner to the Bay of Exploits, in order to attempt a communication with the aborigines. In addition to the painting, the officer conveyed a quantity of various articles as presents to the savages. This mission was unsuccessful. Lieut. Spratt, after spending some time in search of the objects he had been sent to propitiate, without meeting with a single individual, was compelled by the advancing season to return to St. John's, bringing back the picture and other articles, which were consigned to the courthouse for the winter.

The following year, 1809, the same officer was under orders to renew the search, and endeavour to carry out the commission assigned to him. Whether this second attempt was made by him, or if so, with what success it was attended, does not appear, but before the Governor's final departure from the colony he engaged a William Cull and several other men to make a winter journey into the interior of the country, in quest of the Indians. These men, though they did not fall in with any of them, yet came across some interesting evidences of their existing in some numbers in the island; also of their means of support and their modes of life.\*

On the subject of making grants of land for erections and enclosures, Governor Holloway appears to have acted from a different feeling in the latter part of his administration from that which he manifested

\* See Appendix IV.

in the former. When he first came to the country, he was rather liberal in his acceding to petitions for liberty to build, or to fence off spots of ground. But subsequently, as if he had grown more impressed with the old view entertained of the soil, that it was to be regarded simply as a convenience to the fishery, he was much more chary in issuing grants, and more vigilant and earnest to check unauthorised encroachments.

One of the most serious evils brought under the notice of His Excellency, was the want of spiritual provision by the Church of England for the Protestant population. On this subject he wrote in February 1810 a strong appeal to His Grace the Archbishop of Canterbury, in which communication he dwelt on the rapid and extensive increase of the resident inhabitants of the island, the majority of whom were Protestants, also on the indefatigable efforts that were being made by the Roman Catholic Church in providing priests and places of worship, while, on the other hand, the clerical provision made by the Church of England was actually declining, for whereas in 1806, grants were made by the Home Government for augmenting the salaries of five missionaries, the Governor had to state, nearly four years later, that during the time of his government, the number of Established clergymen engaged in the island as missionaries had not exceeded three, and when he left, that number was reduced to two. The difficulty of *securing and retaining proper men in sufficient numbers* for the work, he alleged to arise from the scanty allowance made to such by the

Society for the Propagation of the Gospel, which was not sufficient to afford encouragement to men of talent and character to quit their country for labours in so severe a climate. In a short time afterwards a remedy was provided for this state of things, as will appear a little further on.

In the last year of Admiral Holloway's administration, the salary of the Governor was increased from 500*l.* to 800*l.* a year. At the same time, and in consideration of the increased business of the Supreme Court, the Chief Justice's salary was augmented to 700*l.* The returns also show, that the estimate of the charges of defraying the civil establishment of the island expanded at an equal rate with the multiplication of the people.

In 1810, Sir John Thomas Duckworth, Knight of the most Honourable Order of the Bath, and Vice-Admiral of the Red Squadron, received the appointment of Governor over the colony. He was a man well qualified for the office, and during his holding it, he evinced an intelligent activity and diligence in all that concerned the interests of the community placed under his charge. He was set over it, too, at a time when such qualifications in the Governor were especially requisite. He was called on to promote and carry out important changes in the internal regulations of the capital, and of the trade in general, and also, to meet the demands arising out of a sudden proclamation of war on the part of the United States.

With a laudable desire to make himself acquainted with the condition and wants of the country, he set out in a fortnight after his landing on a voyage to the

several outports lying northward. This was the first instance of a governor undertaking such a journey since Sir Hugh Palliser, the interval separating between the two embracing about half a century. His Excellency first proceeded to Harbour Grace, in Conception Bay, visiting also Mosquito Cove and Carbonier. Afterwards he sailed to Trinity, Croque Harbour, and last to Pitt's Harbour, on the coast of Labrador. In his visits to these places, he found occasion to provide better for the maintenance of peace and order, by appointing additional magistrates, furnished with limited commissions. One fact was made very prominent in the course of this excursion, viz. that the systematic encroachment on the ships' fishing-rooms, so much complained of by the authorities in St. John's, were still more rife in the outports, the innovators being probably encouraged by their distance from the notice and correction of the government.

When at the Labrador, His Excellency issued the following proclamation to the Mic-Macs, the Esquimaux, and other American Indians, not being the aborigines of Newfoundland:—

Whereas it is the gracious pleasure of His Majesty the King, my master, that all kindness should be shown to you in his island of Newfoundland, and that all persons of all nations at friendship with him should be considered, in this respect, as his own subjects, and equally claiming his protection while they are within his dominions. This is to greet you in His Majesty's name, and to entreat you to live in harmony with each other, and to consider all his subjects, and all persons inhabiting in his dominions, as your brothers,

always ready to do you service, to redress your grievances, and to relieve you in your distress. In the same light also are you to consider the native Indians of this island: they, too, are equally with ourselves under the protection of our King, and therefore equally entitled to your friendship. You are entreated to behave to them on all occasions as you would do to ourselves. You know that we are your friends, and as they too are our friends, we beg you to be at peace with each other. And withal, you are hereby warned, that the safety of these Indians is so precious to His Majesty, who is always the support of the feeble, that if one of ourselves were to do them wrong, he would be punished as certainly and as severely as if the injury had been done to the greatest among his own people; and he who dares to murder any one of them would be surely punished with death. Your own safety is in the same manner provided for. See, therefore, that you do no injury to them. If an Englishman were known to murder the poorest and the meanest of your Indians, his death would be the punishment of his crime. Do you not, therefore, deprive any one of our friends the native Indians of his life, or it will be answered with the life of him who has been guilty of the murder.

JOHN THOMAS DUCKWORTH.

The Governor returned to St. John's September 7, his cruise in the Antelope having just occupied one month. The six weeks which intervened before his departure to England were employed by him in dealing with some matters of a special nature, as well as the ordinary routine of his office.

One subject which called forth his attention was the condition of the Volunteer Corps. Though the war in Europe was still raging, yet Newfoundland was so little directly affected by it, that this body had been very much neglected. Though nominally 250

strong, on His Excellency calling the men out to make an examination of their state, only sixty-five came to the muster, of whom, he says, thirty were officers, sergeants, corporals, and drummers.

Another point of an unsatisfactory nature which came before him concerned the burial of the dead. There was but one graveyard in St. John's, which was divided between the Catholics and the Protestants. No minister, however, was allowed to officiate at the interments but the clergyman of the Church of England. This was a service of which the Roman Catholics were not very desirous to avail themselves, preferring, in some cases, to lay their dead friends in the ground without any ceremonies of a religious character. In a letter written by the Governor to Bishop Lambert in October 1810, he complains that a funeral had been appointed for a Catholic. The clergyman had been there at the hour fixed, and waited a considerable time in vain: but after he had gone away, the corpse was brought on the ground and interred without a minister. In consequence of His Excellency's representations to the Home Government, the Catholics received next year the grant of a burying-ground to themselves, with permission to have their own priests to conduct the funeral rites.

The Protestants scattered throughout the island evinced at this time a lively sense of their spiritual destitution, and a praiseworthy activity towards procuring a supply. They built churches in several of the outports, and subscribed liberally according to their means for the maintenance of ministers, if such

could be obtained. To encourage clergymen to undertake charges in the island, the British Government promised to grant a pension of 100*l.* a year to anyone in Holy Orders who should present a certificate of having exercised the functions of his office for ten years in Newfoundland.

One cause of trouble to the Governor, as it had indeed been to his predecessor, was a dispute between the Society of Merchants and the Chief Justice. So pertinacious were the former in their complaints against the latter, that Admiral Holloway was completely led away by their representations, so far as to give his opinion to the ministry that there was no course open but the removal of the judge. The same subject was thrust on the attention of Sir John T. Duckworth, and he felt himself under the necessity of laying the case before the imperial authorities. The latter showed that they were not going to discard an old public servant on the mere one-sided representations of any body of men, however influential. They required the charges to be drawn out in writing, and submitted to the Chief Justice, giving him an opportunity of replying to them, both accusations and replies being submitted to their careful examination. At the close of their protracted investigation into the merits of the case, the ministers came to the conclusion that the judge had not departed from, or exceeded, the functions of his office; that he had acted by the rules given for his guidance; that if he had committed any errors they were few, and simply errors of judgment; and that the only real fault that could be attributed

to him was a want of graciousness in his demeanour towards those whose animosity he had drawn on himself. Therefore no stigma was to be attached to him: he was not to give up what had become an unpleasant office, but from his own choice, and then only with a fitting and honourable provision being made for him in some other sphere in His Majesty's employ.

The winter of 1810-11 furnished the materials of one of the most interesting but melancholy narratives concerning the native Indians. The British government had for a period of more than fifty years displayed a humane anxiety on behalf of these unhappy people, and an earnest desire to bring about a kindly intercourse between them and the colonists.

Acting in the spirit of these endeavours, Sir John Duckworth, soon after his arrival in St. John's in the summer of 1810, issued a proclamation, in which, besides enjoining all persons who might meet with the Indians to treat them with kindness, so as to conciliate their affections,—he also offered to anyone who should so zealously and meritoriously exert himself as to bring about and establish on a firm and settled footing an intercourse so much to be desired, the sum of 100*l.*, as a reward for the great service he would thereby have rendered to His Majesty and to the cause of humanity. It was further promised to such person that he should be honourably mentioned to His Majesty, and should find from the Governor such countenance and further encouragement as it might be in His Excellency's power to give.

Before taking his departure for England, the Governor had projected an enterprise in the hope of

obtaining a communication with the native Indians. This expedition was placed in charge of Lieut. Buchan, commander of His Majesty's schooner, Adonis, who was commissioned to obtain the assistance of William Cull, and the others who have been mentioned as having explored the interior of the country the preceding year. The substance of the following narrative of the conduct and result of this expedition is drawn from a letter written by the Governor to Lord Liverpool on the subject in the year 1811.

Mr. Buchan went in the autumn of 1810 to the entrance of the River of Exploits, and there anchored his vessel, which soon became fixed in ice. He then began his march into the interior, accompanied by twenty-four of his crew and three guides, and having penetrated almost 130 miles, discovered some wigwams of the Indians. These he surprised; and their inhabitants, in number about seventy, fell into his power. He succeeded in overcoming their extreme terror, and soon established a good understanding with them.

Four of the men, among whom was their chief, accepted his invitation to accompany him back to the place where, as he explained to them by signs, he had left some presents which he designed for them. The confidence by this time existing between them was so great, that two of Mr. Buchan's people (marines) requested to remain with the Indians till his return with the presents. They were allowed to do so, and Mr. Buchan set out to return to his dépôt with the remainder of his party and the four Indians. They travelled on together for about six miles to a place

where Mr. Buchan's party had made fires the night before, when the chief declined to go any farther, and, with one of his men, took his leave, directing the other two to go on with Mr. Buchan.

They did so, until they came near the place to which they were to be conducted, when one of them became apparently panic-struck, and fled, beckoning to his companion to follow him. But the tempers of the two men being different, the latter remained unshaken in his determination, and with a cheerful countenance, and an air of perfect confidence in the good faith of his new allies, he motioned to them with his hand to proceed, disregarding his companion, and seeming to treat with scorn Mr. Buchan's invitation to depart freely if he chose to do so. Soon afterwards the party reached their rendezvous, and, having slept there one night, they loaded themselves with the presents, and set out again on their march towards the wigwams.

During this return journey the behaviour of the Indian remained the same. He continued to show a generous confidence, and the whole tenor of his conduct was such as to elicit the cordial esteem of the lieutenant. On arriving at the wigwams, they were found *deserted*, a fact which threw the Indian into a state of great alarm. Still Mr. Buchan allowed him to be at perfect liberty, and this treatment revived his spirits. Having spent the night at the wigwams, the party next morning resumed their route in pursuit of the fugitives, being specially anxious about the two marines. They had proceeded about a mile, when the

Indian, who was walking a little in advance of the rest, was seen to start suddenly backward. He then set up a loud scream, and fled with a swiftness that rendered pursuit in vain. The cause of his excitement and his flight was too soon apparent; for when Mr. Buchan, a moment after, reached the spot from which the Indian had started, he beheld stretched upon the ice, headless and piercéd with arrows, the naked bodies of his two marines.

A fuller account of this melancholy affair is given in an appendix, extracted from Lieut. Buchan's own narrative.\* It is not difficult to account for the disastrous termination of an expedition so humanely devised. It is probable that the first of the two remaining Indians who went in company with the party to fetch the presents, and who deserted under a panic of fear, on returning to his friends bore some tale of treachery or danger to excuse his running away, and thus led the whole body to decamp, having first put the two hostages to death.

The unsatisfactory state of the question as to the right to hold lands and build on them in St. John's became a subject so pressing on the attention of Governor Duckworth, that he was obliged to bring it before the King's ministers, with a view to provide a parliamentary remedy. The boundary of 200 yards in width from high-water mark all round the harbour, which was recognised in the old statute as ships' fishing-rooms, was comparatively disused for

\* See Appendix IV.

its original purpose. A considerable portion of it had been appropriated, either by means of special grants or stealthy encroachments, for habitations or buildings for trading purposes, while there were still large spaces kept vacant by the jealous watchfulness of the government, on the strictly legal ground that they were ships' fishing-rooms. In consequence of the instructions against building, and the irregularity with which the still clustering habitations grew up, in connection with a rapidly increasing population, St. John's contained the elements of a most fatal danger in case of fire. His Excellency describes it as a town so unhappily constructed, and so filled with combustible materials, that in the apprehensions of the people the terms fire and utter annihilation had come to be almost synonymous. To guard against such an awful peril, the principal inhabitants had formed themselves into a fire society, which indeed might have been called a vigilance committee, as, in addition to making provision to arrest an actual conflagration, it passed rules by which fines were inflicted on persons who, by wantonness or negligence, should expose property to the danger of fire.

On his return to England after the first season of his government, Admiral Duckworth carried with him plans for the illustration of the subject of the ships' rooms at St. John's, which he submitted to the inspection of the Earl of Liverpool. At the same time he urged upon His Lordship the propriety of speedily making a new arrangement, the time being more favourable for establishing a final arrangement than after a

return of peace, as in the latter case the government would find a greater number of persons to throw obstacles in the way of a change.

In consequence of his representations, the subject was taken up by Parliament in the session of 1811, and an Act passed, of which the following notice was published by the Governor in September of that year :—

Whereas by an Act passed in the fifty-first year of His Majesty's reign, entitled ‘An Act for taking away the public use of certain ships' rooms in the town of St. John's in the Island of Newfoundland, &c.,’ it is enacted that the several ships' rooms therein mentioned, shall and may be granted, let and possessed as private property. Notice is, therefore, hereby given, that His Excellency the Governor will by virtue of the authority in him vested by the said recited Act, proceed to let or lease the said several fishing rooms in lots, for the accommodation of those who may be inclined to build thereon, conformably to a plan which may be seen by application at this office, on or before the 7th day of October next.

By a proclamation published a few days after this notice, the inhabitants were informed that the Act to which it referred made mention of certain parts of the harbour, viz. at the east and west ends, which were still to be appropriated for the drying, curing, and husbanding of fish, and liable to be claimed by the masters of fishing ships for the use of their ships and boats during the fishing season. It was therefore ordered that no building whatever should be erected on the ground so appropriated, excepting such conveniences as were required for the prosecution of the fishery, according to the distinct terms of the Act of Parliament.

How needful had become the change thus inaugurated was quickly demonstrated by the extent and eagerness with which advantage was taken of the provisions of the Act. Though the area which might be let out on lease was limited, and though within those limits a considerable portion of the ground was already taken up under previous grants, or by gradual encroachments, yet in giving account to Lord Liverpool of the success of the scheme, within two months of its being made public, the Governor had to report that the annual rent of the ground disposed of by public auction, in leases of thirty years, amounted to about 1,600*l.*

His Excellency adds to his report — ‘Your Lordship will perhaps feel a degree of surprise that so small a space of ground should have let for so considerable a sum, but it is a proof of the measure in which the wealth of St. John’s has increased.’ \*

No persons seem to have been more astonished at the pecuniary results of the measure than the

\* Anspach says of this leasing of the ships’ rooms : — ‘They were divided into a certain number of lots, and put up to public auction, in leases for thirty years, renewable at the expiration of that time upon payment in way of a fine of a sum equal to *three* years’ rent of the lot so purchased if built with timber, and of a sum equal to *one* year’s rent if built of stone or brick. The purchaser of a lot might at his option take the next lot adjoining backward at the same price that he paid for the first. Party walls between adjoining lots were to be built of brick or stone of twenty inches thick, to stand equally on each lot. The buildings were to be of the height of two stories, or not less than eighteen feet from sill to wall-plate, and no encroachments were to be made on the space allotted for the streets by bow-windows, porches, or other erections.’

merchants of St. John's, who, lest the British government should gain too much by it, forwarded an address to His Royal Highness the Prince Regent. In that document they state:—

That the island has been governed by laws of an ancient date, calculated at the time they were enacted to promote the welfare of the fishery, but inapplicable to existing circumstances. Then certain tracts of ground in this town denominated ships' rooms were appropriated to the public use, and so continued until the last session of Parliament, when we were surprised to find an Act had passed, entitled 'An Act for taking away the public use of certain ships' rooms in the town of St. John's, in the island of Newfoundland, &c.'

That our Governor, Sir John Thomas Duckworth, K.B., has disposed of these ships' rooms on building leases, on terms so exorbitant and unprecedented that part of them have been leased at the rate of 700*l.* per acre per annum, producing an income of near 2,000*l.*

The practical object of the merchants' memorial was to prevent, if possible, any of this money going out of the country. They humbly prayed His Royal Highness that, considering no appropriation had been made by Parliament of the rents derived from the leaseholds, he would be graciously pleased to direct that such measures might be taken as should be deemed necessary to apply the same towards the improvement of the town and harbour of St. John's. They also prayed for an act of the legislature to establish a police for the protection of life and property, with power to receive and dispose of the rents of the ships' rooms, in paving, lighting, and widening the streets, &c.

His Royal Highness, however, did not think proper to comply with the merchants' address. It is probable that the British government considered it such a novel and good thing to be able to draw any money from a country to which so much had been given, and which was still receiving about 4,000*l.* a year for civil expenditure alone, as not to be willing hastily to give up the partial return from the royal property which had unexpectedly come into their hands. The Prince Regent therefore declared that he must reserve to himself or to his representative acting under his instructions, the entire control of the funds which should be derived from the leases, assuring the memorialists that in the application of these funds, the advantage and the comfort of His Majesty's subjects throughout the island should not be overlooked.

There is one paragraph in the before-mentioned address of the merchants which deserves to be extracted for the painfully graphic picture which it gives of the condition of the principal town in a colony, whose connection with the British crown was then more than 300 years old:—

We beg leave further to state to your Royal Highness that the town of St. John's, with the exception of *one house*, is built of wood; that the principal street is in one place not more than six feet wide, that all our streets are narrow, unpaved, and unlighted; that during three months of the year, owing to the severity of our climate, we are shut out from all intercourse with our neighbours. Imagination could not pourtray a more dreadful picture of human misery than would be realised were this town, in the depth of

winter, to become a prey to conflagration. In addition to these circumstances, which we are sure will forcibly impress themselves on the benevolent mind of your Royal Highness, we have to state that we are without a police, without a public establishment for the education of our youth, without a market-place, and without any legal provision for the poor.

The gentlemen who made this sad representation of the condition and the wants of the capital, applied themselves with praiseworthy liberality to provide one useful institution to meet one of the worst necessities experienced by an over-crowded population. They contributed a sum of several hundred pounds towards the founding of an hospital for the sick. The Governor entered cordially into the promotion of this useful and benevolent object; he recommended it to the Home Government, and granted a site for the erection and grounds of the proposed building. Soon afterwards the labouring classes, for whose benefit such an institution was chiefly provided, lent their aid to it by a kind of voluntary assessment of one penny in the pound for each servant's wages, and by a shilling annually from each seaman coming into the harbour. The establishment thus begun still exists in St. John's, and is one of the most valuable provisions for the poor which the city contains.

On the arrival of Sir John Duckworth for the third time at the seat of government, he found such a posture of affairs as laid aside for the season all plans of purely social and civil improvement. For, but a few weeks previous, the United States had declared war against Great Britain; and it

was likely that the brunt of the contest would fall on the provinces lying on the western side of the Atlantic. The Governor found among all classes a lively and earnest determination to do their utmost for the defence of the island. A meeting of the principal inhabitants of St. John's had been held, and a resolution come to to double the volunteer force, so as to raise it to 500 men, all of which should be held actively to their undertaken duty. While His Excellency had occasion to be gratified with this so needful display of loyalty and zeal, yet to give it a practicable shape and force cost him no little trouble. The gentlemen who enrolled the companies had a high sense of their own dignity. At one time all the captains tendered their resignation, because the officer whom they had elected to be at their head was not commissioned with the rank of major; and when this point was explained to their satisfaction, the Governor showing that the obstacle to what they desired lay in the orders and regulations received from the military authorities at home, still conferences and discussions had to be held on minor points, in the course of which His Excellency had, in several matters, to yield his own opinion to that of these independent, if zealous, volunteers for the defence of their King and country. At length all objections were overcome, and a respectable corps was enrolled, which might be relied on to give assistance to the garrison in case of an attack. The rest of the able-bodied male inhabitants were assigned

to their several posts in the various batteries, should a like emergency call for their aid.

Nor was less activity of the same order displayed at the different outports at the same time. Meetings were held, organisations formed, old forts repaired, and guns and ammunition applied for, all betokening an unanimous determination to repel an invading enemy. The Government encouraged this manifestation of loyalty by supplying arms, giving counsel, and by appointing signals to enable the separated harbours to communicate with each other, and combine for a common end.

Happily, these preparations and precautions were not put to the test. The Americans had enough to do on the borders of their own territory, to prevent their sending any force to attack a community a thousand miles off. The nearest approach which belligerent activity made to the citizens of St. John's, was announced to them by the following brief paragraph which appeared in the Gazette of August 6, 1812:—‘A heavy cannonading was heard to-day very distinctly, and it is conjectured that some of our cruisers have fallen in with the American frigate Essex. If so, we hope we shall be able to give a good account of her in our next.’

The ‘good account’ hoped for did *not* appear in ‘our next,’ which contained a sadder tale of what had befallen the captain, crew, and passengers of the Royal Bounty of London. This vessel, on her voyage from Hull to Prince Edward’s Island, had been attacked by a Yankee brigantine privateer

of 18 guns and 120 men. Though the Royal Bounty, having a few guns, resisted, for a time, the assault of this overpowering adversary, yet having several of her men wounded, and one killed, she struck her colours, when the captain of the privateer, enraged at the loss he had sustained in the capture, set his prisoners adrift in the boat. These afterwards made their way to Placentia Bay, from whence they were conveyed to St. John's.

Only by such slight incidents as these, and the reception of prisoners taken by His Majesty's cruisers, were the St. John's people brought into contact with the actual doings of the war. These, and the fact that they were liable to be assailed, kept them in a state of vigilant preparation, to which they were encouraged by the tidings conveyed in rapid succession by the Royal Gazette, of a continuous series of defeats sustained by Napoleon -- England's being engaged in a mighty conflict with whom had been the principal stimulus to the Americans to fling out their declaration of war.

At the end of October, Sir John Thomas Duckworth departed from Newfoundland, completing the term of his government of the island. Before he set sail, he received addresses from the officers of the civil and military establishments, and from the merchants, expressing the high sense which the subscribers entertained of the manner in which the governor had performed the various and delicate functions of his office, and of the benefits he had

conferred on the colony, both in regard to the requirements of peace, and the sterner necessities of war. In reply, His Excellency assured the gentlemen whose approving testimony he was called gratefully to acknowledge, that in the future, though separated as to official position from the country, he should ever take an interest in its affairs, and be ready in any way he could to contribute to its prosperity.

During the three years of his administration, the number of resident inhabitants of St. John's had risen from 5,530 (in 1809) to 7,075 (in 1812), the relative proportion between the Protestants and the Roman Catholics being about the same in both sets of figures, the latter being more than two-thirds of the whole.

In concluding this chapter, the following notice of two calamities which, in 1812, visited Conception Bay, where the writer was resident at the time, is taken from Anspach:—

The small-pox as universally dreaded as it was always fatal in its consequences, on account of the deeply-rooted prejudice of the inhabitants of the island against any mode of inoculation, created a considerable alarm in Conception Bay, where the fishery was then entering into its full activity. Means of prevention were therefore employed by the inhabitants, under the sanction of the magistrates, which were fortunately attended with the desired success.

While the inhabitants of the whole district of Conception Bay were distracted by the dread of this infection, a fire, either accidentally or designedly kindled in the woods, was, by the direction of the wind, making rapid approaches towards

the town of Harbour Grace, which it soon threatened with complete destruction. The inhabitants, collected together by the ringing of the church-bell, proceeded to the place under the direction of the chief magistrate, and by cutting and carefully clearing a semicircular space between the town and part of the woods on fire, put a complete stop to the ravages of that destructive element, and saved the town.

## CHAPTER XI.

1812-1818.

A FEW days after his return to England in 1812, Sir John Thomas Duckworth was invited by the electors of New Romney to allow himself to be put in nomination as one of their representatives in Parliament; and as his holding the government of Newfoundland rendered him ineligible for a seat in the House of Commons, he requested Lord Bathurst to lay his commission at the feet of the Prince Regent. In answer to this application, he was informed that His Royal Highness had ‘been graciously pleased to accept the same.’

Previous to tendering his resignation, the Governor had transmitted to Earl Bathurst a detailed report of the events of the season, of the measures which he had deemed it proper to adopt, and of the actual situation in which he had left the settlement. The first part of that report related to the alarm which had been produced in the island by the breaking out of the war with America—an alarm which was all the greater from the fact, that for ‘years Newfoundland had been exempt from the smallest pressure of the war. No cruiser of the enemy had appeared upon its

coasts: the fisheries had been undisturbed and secure as in time of peace: the trade had passed and re-passed without convoy: every battery in the island (except those at St. John's), had been dismantled, and certainly there was not on his arrival a second harbour into which the smallest vessel of war belonging to the enemy might not have sailed, and destroyed the shipping and provisions stores, and, in short, reduced the inhabitants into a state of little less than absolute want.' After reciting what steps he had taken to provide for the defence of the settlements, the writer gives an account of the state of the fishery for the season, which had been moderately successful, in some instances remarkably so. But there had been a great want of shipping to export the produce—'a circumstance which was the more to be regretted, as the European markets had been particularly advantageous, and the demand for fish unusually great.'

In the same communication, reference is made to a memorial from the merchants and housekeepers of St. John's, from which it appears that Parliament had lately passed an Act, levying a duty of sixpence per gallon on rum imported from the West Indies; and of one shilling and sixpence on other spirits. These duties the memorialists regarded as imposing a heavy burden, and as a departure from the wise policy which the British Government had hitherto pursued of encouraging the fisheries. They also stated that 'the tax will fall on the consumers who do not use it (rum, &c.), as an article of luxury, but

necessity, not having it in their power to procure malt liquor, as have the labouring classes in Britain.'

In another communication, Sir John Duckworth submitted some reflections which had been suggested to him during the period of his government of the colony, in reference to changes needed in the administration of the laws there. His views on this point are given with great caution, and based, as he states, not only on his own observations, but also on the opinions he had collected from experienced and sensible men. On one point, there was a general concurrence, viz. that the fisheries of Newfoundland had become decidedly sedentary—i.e. chiefly confined to the resident population, and that the tendency in this direction had been so stimulated and extended under the protracted war, that it was not likely that any material change would be produced by a return to the state of peace. The settled population of the island had become so large, that every attempt to lessen it, or even to check the rapidity of its increase must be completely vain. This population must be supported, and had no other resource than in the fishery: 'therefore the quantity of fish caught by the resident inhabitants must be so great as to leave but little opening for adventurers who might fit out ships from His Majesty's dominions in Europe, if they should be disposed by the return of peace to make the trial.'

From this state of affairs it followed that regulations whose professed object had been to afford every encouragement to the fishing ships so fitted out, and

to discourage the sedentary fishery, had become out of date. ‘With these sentiments,’ says the writer, ‘I am certainly desirous that a revision of the laws should take place: nor am I aware that any advantage is likely to arise from its being delayed.’ He therefore suggested the removal from the sedentary fishery of all unnecessary impediments, by throwing open all unoccupied places in Newfoundland which had been accounted fishing-ships’ rooms, and by taking off the restrictions on the cultivation of the soil, allowing grants of land to be made by the Governor to individuals complying with the conditions on which such grants were made. On the subject of cultivation, he begged leave to submit that it had become a question of deep anxiety, how the augmented population was to be supported, and whether therefore it would not be better to cultivate the soil, in the hope of lessening the difficulty, than to abstain from doing so in the fear of adding still more rapidly to the number of inhabitants. Like Admiral Gambier, Governor Duckworth, discerning the signs of the times, perceived the growing necessity of some internal centre of legislation and law. On this subject he says—‘The merchants of St. John’s have formed themselves into a society, and are making continual efforts for the acquisition of a power which ought not in my opinion to be vested in them. Yet the town has become so extensive, and its inhabitants so numerous, that it does indeed appear necessary that a provision should be made for its better regulation, by creating some local authority.’

As an evidence of the refractory spirit that was being manifested by an influential class against the established regulations, Sir John Duckworth stated the case of a merchant who had thought proper to dispense with the Governor's leave, and had violently attempted to build a house which he avowed (in a letter to the Sheriff) his intention of letting on lease as a dwelling-house. 'This attempt,' His Excellency goes on to say, 'was not that of an individual, but was instigated and supported by the merchants in general, who have created a fund, the real object of which is to oppose the measures of government, and to establish the right of property upon a quiet possession of twenty years.'

The successor to Sir John T. Duckworth was Vice-Admiral Sir Richard Godwin Keats, K.B. He received his commission and instructions on April 6, 1813, and arrived in St. John's May 31. One of the instructions with which he was furnished directed him to confirm and make permanent a change introduced by his predecessor in the police service of St. Johns. The change was to this effect: instead of the publicans being under obligation to perform the duty of constables as a part return for the privilege of obtaining licenses, both the number of public-houses, and the amount of license fees were increased, by which a fund was formed, sufficient to pay a regular salary to a certain number of constables, whose work it was to see to the preservation of peace and order in the town.

An article in the Governor's instructions, of more

general importance, and significant of an altered condition in the community, directed his attention to the propriety of authorising the cultivation of those lands of the colony which might be applicable to that purpose. He was therefore to consider himself authorised to grant leases of small portions of land to industrious individuals for the purpose of cultivation, taking care however, to reserve an annual quit-rent, either nominal or real, according to the circumstances of each individual case.

In furtherance of the design contemplated by this instruction, the following notice was published, bearing date June 26, 1813 :—

All resident and industrious inhabitants desirous of obtaining small grants of land for the purposes of cultivation in the neighbourhood of St. John's, subject to very moderate quit-rents, are desired to give in their applications to the office of the Secretary to the Governor, before the last day of July.

Before issuing this order, His Excellency had called for a return of all lands that were already claimed outside the town of St. John's, with the titles on which the several claims were based, when it appeared that the inhabitants were proceeding rather rapidly to do for themselves what they had tardily received from the Government permission to do, and this without the condition annexed in the latter case. The return showed that between October 25, 1812, and July 10, 1813, twenty-six persons had enclosed plots of land of various dimensions, but amounting in the aggregate to seventy-five acres.

The following extracts are taken from the letter of the Governor to Lord Bathurst, reporting the success of this measure. They also afford a glimpse of the squatting system which had begun to prevail, and of new ideas which were dawning in people's minds as to the agricultural capacities of the country:—

The measure which I was authorised to adopt, of making small grants of land to industrious individuals for the purpose of cultivation, has been generally received with becoming gratitude, notwithstanding pains have been taken to induce the lower classes to ascribe the bounty of Government to a wrong motive. In proceeding to execute this part of my instructions, it became necessary to make some enquiry into the lands at present enclosed, or in cultivation, and into the titles by which those in occupancy in the vicinity of St. John's are held. And it is evident that the possessors of a considerable portion of them have no other claims than that which occupancy may be permitted to establish. St. John's, with a population of nearly 10,000, seems to have grown out of its original situation, and to be changing its character from a fishery to a large commercial town, and for a considerable time past has offered such advantages to the farmer and gardener, as to overcome all the restraints which nature and the policy of Government have laid on the cultivation of a soil certainly less sterile than it has generally been considered. More than a thousand acres are in cultivation, and as many more perhaps enclosed, the produce of which is confined to hay, potatoes, and vegetables of various kinds, crops of which may be seen as plentiful as in England, whilst the environs of the town, the natural beauties of which are very striking, present to the view several neat, well-cultivated, and productive little farms.

It is a circumstance particularly favourable to agriculture that husbandry does not interfere with the fisheries, and that the fisheries supply the farmer with manure. The

lands may be prepared, and the crops put in and taken out, before the commencement of, and after the fishery is over. With these advantages, and that of a certain and profitable market, the desire to possess land for several years has been eager and general. Proclamations repeated by my predecessors, forbidding persons to take possession of lands, have been disregarded. In cases where grants or leases have been obtained from Government, the limits have commonly been exceeded. Pretexts of every sort which ingenuity could devise have been resorted to to found titles, and by paying attention to claims or pretexts of private property, of which they are peculiarly jealous (and they have not been invaded by me) I have found but little land in the neighbourhood of St. John's to dispose of.

The total number of grants made this season by the Governor under the authority afforded by his instructions was one hundred and ten small plots of land not exceeding four acres. These were subject to annual quit-rents of from 2*s.* 6*d.* to 5*s.* per acre, renewable at the expiration of thirty years at moderate fines. The above grants were not equal to the number of applications. Many of the latter had yet to be decided on; His Excellency governing himself chiefly by the recommendation of the magistrates, paying attention to character, and considering the circumstances and family of the applicant.

The scarcity of provisions which had prevailed in the early part of the year 1813, had been well calculated to stimulate the people to make trial of what the land could produce towards their support. During the first months of 1812, before the declaration of war by America, supplies were in sufficient abundance, and to be had at a moderate price. But after

the breaking out of hostilities, the prices gradually advanced to an unprecedented height. Fortunately, a seasonable importation was received from Canada, of 12,000 cwt. of bread, and 4,000 barrels of flour, which barely dissipated the prospect of starvation during the winter. Even with this welcome addition, so dire was the scarcity, that at one period common biscuit ‘was retailed out in small parcels of a few pounds as a peculiar favour to the poor, at the rate of 6*l.* sterling per cwt. Potatoes were sold at 35*s.* per barrel (two bushels and a half), and the inhabitants were reduced to the most alarming state of need, when a vessel arrived from Greenock with relief.’ Before the arrival of this vessel, a committee of gentlemen had paid General Moore 7*l.* sterling per barrel as a deposit for flour out of the public stores, to bake up for the poor. Even in the summer of 1813, the following high prices prevailed — Biscuit, 70*s.* to 84*s.* per cwt. Flour, 120*s.* to 126*s.* per barrel. Beef, 140*s.* to 147*s.* per barrel. Pork, 180*s.* to 200*s.* Potatoes, 22*s.* 6*d.* to 25*s.* per barrel. On July 16, the society of merchants reported to His Excellency that the quantity of provisions on hand was not more than sufficient to supply the demand for two months, and there was little prospect of any considerable importations.

On this subject the Governor made urgent representations to the Secretary of State, and probably, as the result of those representations, though apparently coming in the ordinary way of trade, large imports were received, mostly from Great Britain, which replenished the stores, brought down prices, and re-

moved all apprehension of famine in the ensuing winter. Indeed, in the following summer so great had been the attraction to dealers of the high prices which had prevailed in St. John's, that the society of merchants memorialised His Excellency, stating that the market was so glutted with flour, that it was impossible to sell it, and asking him to remove the prohibition against exporting it elsewhere.

If the leasing of ship's rooms and the letting out of lands around St. John's denoted that the old ideas and laws in reference to Newfoundland were going out of date, other facts, of which there had been frequent examples before, but which were specially brought under the cognisance of Sir Richard Keats, showed that the ground on which the old institutions had been maintained, viz. that they fostered the best nursery for British seamen, had become a flimsy delusion. Instances of desertion from the King's ships are among the most frequent facts noticed in the Colonial Records. The commander of the ship Hyperion having lost, in less than two months, thirteen men by this crime, had sought to make up his complement by impressment—a system which was then in common use in the mother-country. But finding difficulties in the way of this, from the confessed impotence of the civil power, he laid his complaint before the Governor. In that communication, he stated that there could not be less than 10,000 men in the island, in every respect eligible for His Majesty's Service by sea, into which service they would inevitably find their way, if compelled to

return to their homes at the expiration of the fishing season; but staying behind, they were practically exempted from this liability.

This immunity from impressment was a temptation to men in the United Kingdom liable to that measure to transfer themselves to Newfoundland; ‘and,’ says the indignant officer, ‘unfortunately the evil does not rest here, for this supposed protection from impressment furnishes a most powerful argument to the numerous crimps and other disaffected persons, in aid of their incessant endeavours at seducing from their duty the seamen already in His Majesty’s Service, and persuading them to desert, in evidence of which I appeal to the notorious fact, that the crime of desertion from His Majesty’s Ships is practised to a greater extent in this island than in any part of the world besides.’ Thus the brave nursery for the British navy, whose praises had been toasted by fishing admirals and western merchants for half a dozen generations, proved, when examined, in the very crisis of a grand national struggle, a refuge to protect the unwilling from being taken into the sea service of the nation, and an outlet by which those who were weary of the service could step from under the yoke.

The merchants of Newfoundland were not unacquainted with the progress of events in Europe; though at uncertain intervals, the news travelled to St. John’s of the exodus of the French army from Spain; the disastrous flight of Napoleon over the frozen wastes of Russia, and the patriotic rising in

Germany. The tidings of these events suggested the probability of a speedy peace supervening in the long and weary war in the Old World. If Newfoundland had suffered from that war, and the still more recent one which had broken out with the United States, yet she had received the compensating gain of the exclusive use of the fisheries. The next thing was to endeavour to retain the advantages derived from the war, with the commercial security which would be brought by the advent of peace.

In the hope of obtaining this end, the Society of Merchants in St. John's presented to the Governor, on the eve of his departure from the colony at the close of the year 1813, a memorial declaring the loyalty of the subscribers, setting forth the injuries which they and the nation generally had suffered from the concessions made in former treaties to the Americans and the French, and stating the benefits which had been derived by the exclusion of foreigners from these waters. It was a very able paper, and the burden of it was to 'urge the important policy, should fortunately the circumstances of Europe encourage the hope of carrying it out, of wholly excluding foreigners from sharing again in the advantages of a fishery from which a large portion of our best national defence will be derived.'

How little of truth was contained in this latter sentence the reader can estimate by reference to preceding paragraphs. That the British Government did not consider the salvation and strength of the British Empire to depend on having the exclusive

possession of the Newfoundland fisheries was soon evident. On April 27, 1814, Earl Bathurst transmitted to Sir Richard Goodwin Keats the intelligence that a convention for the cessation of hostilities with France by sea and land was signed on the 23rd instant. On June 8, his lordship forwarded a copy of the definitive treaty of peace, signed at Paris on May 30, by the respective plenipotentiaries of Great Britain and France. Article VIII. of that treaty disposed of the hopes which the Newfoundlanders had striven to entertain, by declaring that His Britannic Majesty ‘engages to restore to His Most Christian Majesty the colonies, fisheries, factories, and establishments of every kind which were possessed by France on January 1, 1792, on the seas and on the continent of America.’

This great concession, in which France alone was interested, at the conclusion of a war, in which France had been the disturber of Europe, at the time when the ruler of France was indebted for his throne to the exertions and the sacrifices of the conquerors, may be regarded as displaying the magnanimity of the nation which had laboured longest and done the most to bring about the act of pacification; but the policy of the surrender, having respect to British interests and the world’s peace, is very open to question. Whether or not the Newfoundland fisheries contribute much to that arm of strength, the navy of the United Kingdom, there can be little question that, deprived of a participation in those fisheries, France would be almost without a navy at all.

Contemporaneous with the advancing prospect of the return of peace, there had sprung up with speedy growth the forerunners of internal conflicts, which were to be the occasion of new anxieties to the governors of Newfoundland. This change may be attributed to various causes—the rapid increase of the population, the great prosperity of the latter years of the war, the abnormal state of the administration of the country as compared with other colonies, and the general dissemination of ideas in regard to the rights of self-government by the people. The inhabitants of St. John's had doubled in numbers during the nine years from 1805 to 1814, and the increase was almost entirely due to immigration from Ireland, therefore composed of people that seem to have a special aptitude to encourage the vocation of an agitator. This vocation, as pursued for political purposes, seems to have been inaugurated in 1812, and was the occasion of such trouble to Sir John Duckworth, that he brought it before the notice of the Secretary of State, in a communication to whom he gives the information that a pamphlet had recently appeared written by Dr. Carson, a physician in St. John's, of a very libellous character concerning the authorities and the system of government in the colony. Sir John also stated that he understood that another was preparing by the same pen, of a still more infamous character; and he thought it was a matter which called for some interposition by the functionaries of the law.

The second of these pamphlets thus alluded to

made its appearance in 1813, and was brought before the notice of the Earl of Bathurst by Sir Richard Keats, who prefaced his account of it by ‘lamenting that the state of comparative happiness prevailing in Newfoundland should suffer any interruption by the arts of wicked and designing men, who by an abuse of the mild laws under which we live, by poisonous publications, and on frivolous and groundless pretexts, are increasing in their endeavours to fill the minds of the unwary with suspicions, and to bring into disrespect and contempt the government by which they are protected.’ His Excellency declared that ‘the practice of this vicious conduct was of very recent date in Newfoundland, its root and origin lying no farther back than the preceding year;’ but he adds, ‘the progress has been very rapid.’ Emboldened perhaps by the pamphlet first referred to by Sir John Duckworth passing unpunished, the author immediately produced a second equally vicious, though not equally libellous.

Copies of the second pamphlet thus described are still in existence, and can be referred to by those who are curious to see how far the first attempts to elicit a demand for legislative institutions in the community deserve the very inculpatory terms applied to them. To the author of this history, who has read the pamphlet, it does not appear that there was anything dangerously disloyal or immoral about it, or indeed anything specially offensive, saving a few hard words concerning the despotism, pride and ignorance ascribed to the governors of Newfoundland. The

real sting of the pamphlet was its truthfully expounding the unnatural position in which the colony was placed in respect to its rulers, and its setting forth the absolute necessity for a radical change, arising from the extensive growth of the population, and the new social elements which had been attendant on that growth.

The worst evil to be apprehended from the pamphlet arose not so much from what it contained as from the character of the people among whom it was disseminated. This evil is thus touched on in Sir Richard Keats' letter—‘As the consequences of such publications on the minds of people perhaps too easily influenced, and too open to the arts of seduction, cannot be estimated by any comparison with effects produced by similar acts in a country in which they are common, I have deemed it my duty not to suffer them to pass unnoticed to your lordship. The authors of these scurrilities by taking to themselves credit for having forced Government into the late measure of granting lands, and other low arts, are fast acquiring a consequence and popularity, not very favourable to the quiet and subordination of the people, the effects of which begin to be visible in the conduct of some magistrates seemingly intimidated in the execution of their duty.’

But notwithstanding the dislike of His Majesty's representative and the timorous forebodings of some of His Majesty's subjects, the leaven of a demand for local legislation and government had been introduced, and was not to be eliminated, but to go on doing its

fermenting work, until the majority of the better classes, from patriotic or ambitious motives, should be influenced by it, and these in their turn, directing the more ignorant minds of the great body of the labouring population, should produce a clamorous cry sufficiently strong to obtain the coveted boon from the Imperial Parliament.

Besides the manifestations of a rising political feeling, St. John's witnessed the outbreak of disturbances having another origin, and some of which were of a character as ludicrous as alarming. In the early part of the year 1815, a great panic seems to have possessed the merchants and principal inhabitants on the subject of mad dogs, in consequence of which the court of sessions (the grand jury having made a presentment that hydrophobia actually existed among the dogs in the town) issued an order to the effect that all dogs whatsoever found at large and unmuzzled should be destroyed; a reward of five shillings being offered for each dog so destroyed. This notice excited strong feelings among the lower orders, by whom dogs were esteemed a necessary household appendage. A few days after the putting out of the proclamation, the Chief Justice on his arrival at the courthouse had put into his hands a letter sealed and directed to him, which had been fixed against the gates of the courthouse. The following is a copy of the letter, transcribed *verbatim et literatim*:—

*To the Honorable Cesar Colcough, Esq., Chief Judge in the Supreme Court of St. John's, and in and over the Island of Newfoundland, &c., &c., &c.*

The humble petition of the distress<sup>d</sup> of St. John's in general most humbly sheweth :—

That the poor of St. John's are very much oppressed by different orders from the Court House, which they amigine is unknown to your Lordship, Concerning the killing and shooting their doggs, without the least sine of the being sick or mad. Wee do hope that your Lordship will check the Justices that was the means of this evil Proclamation against the Interest of the poor Families, that their dependance for their Winter's Fewel is on their Doggs, and likewise several single men that is bringing out Wood for the use of the Fishery, if in case this business is not put back it will be the means of an indeferent business as ever the killing the Doggs in Ireland was before the rebellion the first Instance will be given by killing Cows and Horses, and all other disorderly Vice that can be comprehened by the Art of Man.

Wee are sorry for giveing your Lordship any uneasines for directing any like business to your Honour, but Timely notice is better than use any voilance. What may be the cause of what we not wish to ment at present, by puting a stop to this great evil. Wee hope that our Prayrs will be mains of obtaining Life Everlasting for your Lordship in the world to come.

Mercy wee will take, and Mercy wee will give.

This communication produced a considerable degree of angry apprehension among the guardians of the public peace. It was viewed as indicating in a portion of the lower classes of the people a spirit similar to that which brought forth evil fruits in Ireland. The Chief Justice looked upon the letter as of such a threatening character that he put forth a proclamation

offering a reward of a hundred pounds for the discovery, either of the writer, or of the person who affixed it to the courthouse gates.

About the period when the anonymous petition was so suspiciously conveyed to the Chief Justice's hands, there had sprung up other social symptoms, which, besides being disagreeable in themselves, were suggestive of feelings of alarm. The Irish, who formed the greater proportion of the fishermen and labourers, some thousands of whom were but recent importations, brought with them to Newfoundland the local feuds with their distinguishing names, with which they had been familiar in their native land. And as they obtained in the new country more considerable means for the indulgence of dissipation than they were used to in the old, conviviality after their fashion was more abundant, often bringing into uproarious and dangerous activity the clannish passions by which they were possessed. Nor was the exercise of these dispositions checked, when, from the advent of less prosperous times for the fishery, the labourers had to content themselves with a corresponding diminution in their wages; for this was a cause of sorrow for which the poor and ignorant knew no other consolation than the bottle, with its potent tendency to promote tumult and riot.

Two great Irish factions had established themselves in St. John's. They had various names, denoting the different parts of Ireland from which they came. The watchword of those from the county of Tipperary was 'Clear Air'—that of the men of Waterford,

‘Whey Belly’—while those of the county of Cork were designated ‘Dadyeens.’ This combined one principal faction. The other side was composed of ‘Doonees,’ or Kilkenny boys, and ‘Yellow-bellies,’ significant of the Wexford men.

Each side resided in a particular quarter of the town, and had its proper commanding officers, with one at the head, who bore the lofty title of General. ‘If any of either party incautiously ventured into the enemy’s quarters, he was punished for his temerity, for he was questioned as to who he was; and as his pride would not permit him to deny his country, he was instantly knocked down by the person asking the question with an huzza, as the case might be, for the “Clear Airs,” or *vice versa*, and beaten by all present.’ Sometimes proposals were made for a more equal and deliberate fight, as in the following case, when ‘one of the generals, stripped ready for action, went at the head of two hundred men, and gave a formal challenge to a General Flynn to fight him, either in single combat or at the head of his forces.’ Such challenges were seldom declined; and if they began with a single combat between the two principals, they soon fell into a general *mêlée*, with an extensive product of broken heads. Sometimes these clan-encounters took place in the town; sometimes the belligerents marched to what were called the Barrens, where they could battle it out to their heart’s content, and in most instances free from interruption by the authorities. Their return from the field, however, with their wounds and bruises, and the dregs of the mad

passions which had been stimulated in the conflict, boded but ill for the peace and order of the respectable inhabitants who had taken no part in the fray.\*

This spirit of faction was so strong as to prevail over the feelings of religious subjection and unity by which the children of Catholic Ireland have always been distinguished.

Dr. Lambert, the Roman Catholic bishop, who is spoken of by all parties as a very loyal, honest, and well-intentioned man, had seen fit to suspend one of his priests, a Father Power. The Chief Justice says of the latter:—

He is very popular and has occasioned a great schism among the people, and he seems to me to have more supporters than the bishop. He is either a County Tipperary or Waterford man. The bishop is a County Wexford man, as are also his two domestic chaplains, and I believe a large proportion of his clergy. This seems to have given umbrage to all the persons coming from the part of Ireland of which Power is one, and every demonstration of respect and attention is paid to Mr. Power, the suspended priest, and some very respectable people speak very favourably of him.

Altogether these feuds, springing from a national characteristic, and fostered by various causes, gave sufficient trouble both to ecclesiastics and the civil authorities, and were the occasion of much alarm to quiet and orderly people. They were destined to prevail for a long period. Neither denunciations

\* The account of the party quarrels contained in the text has been taken from an amusing letter written by Chief Justice Colelough (himself an Irishman) for the information of the governor, who was in England.

from the altar, nor the inflictions of punishment on such as had taken a flagrant part in the riots, could prevent these disorderly and dangerous outbreaks. They were continually renewed for the greater part of a generation, and then yielded to what is perhaps a modified diversity of the same spirit—a somewhat hostile recognition of a difference between recent immigrants from Ireland, and those of Irish descent, indeed, but natives of the soil of Newfoundland. Any bitter division of feeling on this score, however, is now almost entirely confined to periods of political excitement.

In 1815, Governor Keats completed the term of his administration of the affairs of the colony. During the three years in which he had been at the head of the island he had seen great changes take place, and he left with a perception of other changes, the elements of which were preparing. He had witnessed an unexampled degree of prosperity in the trade of the country. With tolerably good fisheries, the merchants had sold the product for such prices as had never been known or dreamt of before. The fishermen received enormous wages, which they lavishly spent on what was furnished from the merchants' stores. The only drawback to these signs of good fortune, was in the high price of provisions, sometimes entailing the danger of scarcity before the close of the winter. His Excellency had also marked the rapid growth of a political agitation aiming at the acquisition of some popular power in the direction of the Government.

This was a sign which the Governor evidently did

not like. In a letter to the Secretary of State on this subject, he speaks of the populous town of St. John's being 'too easily agitated, and subject to the influence of a party which affects a popular character, the leaders of which have little or no connection with the fisheries. Hostile to the ancient system of policy, they endeavour under any pretext to excite mistrusts and jealousies. Their immediate object it would seem is to obtain some change in the Government, the accomplishment of which in its full extent could not fail to prove highly injurious to the interests of Newfoundland.'

Like his predecessors Admiral Keats had to make a sad report of the insufficient provision made by the Church of England, to meet the religious wants of Newfoundland:—

Your lordship will very much regret to hear, that, notwithstanding the addition made to the missionaries' salaries last year, and the very liberal offers made by the inhabitants of several of the outports to induce missionaries of the Established Church to reside amongst them, no addition has been hitherto made to their scanty numbers, *three* only residing in Newfoundland. This is the more to be lamented as the country seems fast settling, the population of which unquestionably exceeds the return made to Government, is rapidly increasing, and there seems generally to prevail among the Protestants a preference for the established form of worship.

Shortly after Sir Richard Goodwin Keats had taken his departure from the island, St. John's was visited by the first of a series of calamities, producing a large amount of fear and distress. On Monday,

February 12, 1816, about eight o'clock, a fire broke out in a house in a part of the town known by the name of the King's Beach, and speedily communicated to the houses adjoining, and burnt with so much fury, that one hundred and twenty houses, the homes of about a thousand men, women, and children, were consumed before the conflagration was stayed. Thus in the very heart of the cold season, in a proverbially cold country (the whole coast at the time was blockaded with ice), this multitude of persons, in addition to the loss of nearly all their property, were destitute of the shelter of a roof except such as charity might provide. Fortunately the fire was prevented from communicating with serious effect with the south side of Water Street, where all the stores were kept, or the calamity which would have ensued must have equalled all that imagination can picture of a scene of woe. Amongst the buildings destroyed were the two Printing Offices, and the newly-created Wesleyan Chapel. The Custom-House was on fire for some time, but happily was saved from much damage. The whole loss sustained was estimated at more than a hundred thousand pounds. It is painful to quote the following extract from the letter containing a report of this disastrous event, but it points out a fact which has been too frequently exemplified on like occasions among the lowest orders of the capital:—

Amidst this awful scene of confusion, so unavoidable on such occasions, it is a melancholy fact that too many of the populace were more intent on plundering the unfortunate sufferers, than in affording them aid and assistance for the

preservation of property or the extinction of the flames, some of whom have been since tried, convicted and publicly punished for offences of this description. Still, however, property to a very considerable amount, which is known to have been rescued from the flames, is kept in concealment from the suffering owners by these unfeeling wretches.

The merchants came forward for the relief of the distressed. In less than a week they had made subscriptions to the amount of between two and three thousand pounds. The magistrates also drew largely on the public funds of the district. One of the last acts of the Governor was to transmit to the Ministry an account of the fire, and the extensive suffering occasioned by it, in answer to which representation, his successor was authorised by the Lords of the Treasury to draw for a sum not exceeding ten thousand pounds, to be applied, not on the principle of indemnification for losses sustained, but exclusively to afford temporary relief to those who were absolutely deprived of the means of subsistence.

On May 18, 1816, Admiral Keats was, in answer to his request to be relieved of the duties of his office, notified, by order of the Prince Regent, that Vice-Admiral Sir Francis Pickmore was appointed his successor. The short period of this gentleman's rule over the island was one of the saddest and most trying that had ever been experienced by the inhabitants of the colony, and the like of which has never been repeated since. Before entering into the causes and the manifestations of this time of distress, a dreary account of which must occupy a considerable

space, there are one or two items of lesser interest that merit a place in this history. One of these relates to the subject of marriages. Notwithstanding the frequent representations which had been made to the Home Government, of the unsatisfactory state of the law in regard to this important social institution, no special enactment had been made applicable to the circumstances of Newfoundland. The consequence was that the few clergymen of the Church of England, naturally possessed with the ideas proper to their position in England, considered themselves to be the only persons authorized to conduct marriages, at least in those parts of the island where they resided, and treated as of very doubtful validity such unions as under other sanctions were formed beyond their districts. On the other hand, a large portion of the people stood on what were known to be the customs of the country, by which marriages performed in the presence of magistrates, or of ministers of what persuasion soever, become legal and binding. On September 28, 1816, the Reverend David Rowland, Established Clergyman at St. John's, memorialized the Governor, informing him that 'the Methodist Ministers had lately taken upon themselves to solemnise the rites of matrimony in the town, contrary to the laws of the realm, and to the irreparable injury of the persons concerned and their innocent offspring,' and requesting his Excellency to adopt measures to prevent the recurrence of such abuses.

On the receipt of this communication, the Governor sent for the two dissenting ministers in St. John's,

Mr. Cubit, Wesleyan, and Mr. Sabine, Congregationalist, with a view to represent to them the impropriety of their conduct. Their answer to his representations was to the effect that there was no law to prevent their conducting marriages; and when, further, he endeavoured to lay a restriction on them, not to perform the marriage ceremony in future at any place in Newfoundland, where there was a clergyman of the Established Church resident, they were so far from recognising his power to enforce the restriction, that on taking their leave of him, they expressed themselves ready to meet all consequences.

From a letter addressed by the Episcopal clergyman who had just been appointed to Twillingate, it appears that from the absence of regular religious services, conducted by an ordained minister, a great number of the people had lost the sense of the sacredness of the Sunday, and were in the habit of prosecuting the fishery on that day, as on others. To put an end to practices which were 'a great scandal of religion, and tended to the corruption of good morals, both in the district specified and elsewhere,' His Excellency strictly enjoined all magistrates to take special care that the Lord's-day be devoutly and duly observed throughout the island.

Previous to his leaving England for his second and last visit to his government, Admiral Pickmore received instructions indicative of altered views entertained by His Majesty's ministers respecting the capacities and requirements of the colony. By one of these he was empowered, in consideration of the

representations which had been made from time to time, as to the distressed state of the population of Newfoundland, and of the fact that notwithstanding the ungenial climate, the country might nevertheless be adapted to raise many articles of subsistence, especially potatoes, to take measures to ascertain those parts of the island in which cultivation was most likely to be attended with success, and then to proceed to make grants of the same to any individuals willing to engage in the cultivation of them, ‘taking care always that the grants made be not beyond the means of the individual to cultivate, and that a small quit-rent per acre be reserved for the use of His Majesty.’

The Governor’s instructions also called his attention to two circumstances on which His Majesty’s Government were desirous of receiving his observations and opinion :—

In the first place (so ran the letter of Lord Bathurst), as the colony has of late years, from the rapid increase of the population, assumed a character totally different from that under which it had been usual previously to consider it, I am most desirous of receiving from you your opinion as to the propriety of introducing any and what change into the system of Government which has heretofore prevailed. And in the next place, considering the natural difficulty of communication between Newfoundland and the other North American colonies, and the consequent impossibility of at all times affording protection either against external attack, or internal commotion which its inhabitants have a fair right to demand, I am most anxious that you should consider the propriety of organising a militia force in the colony, and state to me the details of any arrangement which you may consider effectual for that object.

But all matters of an ordinary nature were compelled to occupy a subordinate place in the thoughts of His Excellency in presence of the accumulated and diversified difficulties and troubles which followed each other in rapid succession during his brief administration. The beginning of the trials, both to the Government and the people, was the natural consequence of the exaggerated and artificial extension which had been given to the trade, in the latter years of the war, and the sudden collapse of such extension on the establishment of peace. For three years the Newfoundland fishermen had the entire seas to themselves, neither Americans nor Frenchmen competing with them. The seasons, too, were favourable to the prosecution of their enterprise under this enlargement of privilege. At the same time the markets of Europe were opened one after another, to the exclusive enjoyment of the merchants. Consequently, while an unusual quantity of fish was taken, every quintal of fish sold at a price equal to three times what it had fetched a few years previously. Men's wages rose in proportion to this unwonted prosperity of the trade, and the high wages invited emigrants in great numbers. In 1814, nearly seven thousand persons arrived in Newfoundland, and in 1815, when the prospects of good fortune were diminishing, four thousand came to increase the population. A large part of these took up their abode in St. John's, the inhabitants of which increased between 1812 and 1816, by the addition of one-half to the census of the former period. To meet this influx of new residents, there

was far from a proportionate enlargement in the dwellings for their accommodation, a disproportion which necessitated a closer crowding in the houses already built.

The peace first with France and then with America, which diffused so much joy throughout Europe and the States, was the forerunner to a long train of disasters in Newfoundland, a great part of which were directly due to the peace itself. The French and American fishermen resumed their activity on the banks and those parts of the coast conceded to them, dividing with the islanders the produce of the seas, and becoming formidable rivals with them in the markets of the world. The prices of fish almost immediately fell to one half, and rapidly descended to a lower figure. Meanwhile the arrangements of the merchants in accommodating themselves to the new disposition of affairs lagged behind the progress of events. They were still under the obligations arising from high wages, and other items of an extravagant outlay, when their stocks and what they had to receive fell to less than a moiety of their anticipated value. Such a complication inevitably entailed the prospect of bankruptcy. The crash came at the close of the season in 1815, causing the surrogate court and the court of sessions (the Supreme Court not sitting in consequence of the illness and absence of the chief justice) to be filled with melancholy business. The principal surrogate writing on December 18, 1815, thus describes the effect of the ruinous system of

credit pursued by the merchant cooperating with the untoward aspect of the trade generally.

‘This has led to the consequence of producing a greater number of failures than ever were before known to have taken place in any one season. Upwards of *seven hundred* writs have been issued since the settlement of public accounts in October last, and I believe near forty declarations of insolvency.’ From a later communication addressed to Earl Bathurst, it appears that no less than 920 cases, arising out of the extensive failures, were brought under the civil jurisdiction of the court.

As may be supposed, such a wide-spread evidence of commercial instability could not but have a serious effect on multitudes besides the parties immediately involved in the sudden calamity of insolvency. Parties employed by them with their dependent families were immediately deprived of the means of earning their bread, and many, too, failed to receive the wages for which they had toiled in the summer. It needs not be pointed out how these evils were aggravated by the fire before referred to, occurring in the heart of winter, and rendering hundreds destitute of a home, and all that they had laid up there.

The summer which followed was only less depressing in its features than the preceding winter. From the failure of so many houses, great numbers of people were without any engagement for the fishing season. The quantity of fish taken was small in proportion to those employed, the weather moist and unfavourable to the drying and curing of what was collected from

the sea : and the price in the foreign markets was continually going down. And still there were newcomers to feed upon the scanty resources of an impoverished country. There were heartless men in Ireland, who, for no other gain but that of passage money, put out attractive advertisements setting forth what a Goshen in Newfoundland invited a wretched peasantry, and having crowded their vessels with miserable dupes, and exposed them to the storms of the Atlantic, turned them ashore at St. John's to shift for themselves, without any possible means of subsistence or of getting employment.\*

Again the months of winter were drawing on, with small provision to meet its imperative demands. From the unsatisfactory condition, and doubtful reliability of the mercantile houses that remained, foreign correspondents were little inclined to be excessive in the consignment of supplies to be deposited in stores that might be put in charge of the sheriff, and even of such goods as were expected, the arrival of a portion was prevented by the early incidence and continued severity of the season; consequently the dark look out of that sad Christmas time revealed the hideous spectre of famine brooding over the land, for some months to come.

This apprehension was speedily justified. Nothing but the able and untiring efforts of Captain Buchan, Surrogate, and Commander of His Majesty's ship Pitre, aided by the vigilance and activity of the magistrates

\* From a letter of the chief magistrate to Governor Pickmore.

and merchants, preserved St. John's from such scenes of suffering, aggravated by anarchy as distressing, as were ever witnessed in a doomed city. As it was, he had to put his own men on short rations, and draw from the Commissariat stores five hundred tierces of flour to be made up into biscuit, and doled out to famishing applicants. The following extract, from an address of thanks presented by the inhabitants of St. John's to Captain Buchan, on the return of the summers, supplies a sufficiently vivid picture of the distress of that sore time. After stating a few facts in reference to the commencement of the winter, the subscribers to the address go on to say:—

It was under such circumstances, when, in the midst of a winter the most unceasing and unrelenting, the labouring class of people were no longer able, under their half-famished condition, to support their usual winter's toil, when the stock of provisions which the more opulent families had provided for their own use was nearly exhausted by their own consumption, and their daily continued charities to the destitute, when the purses of the inhabitants were drained by constant contributions, and when even donations in money to the poor were unavailing to relieve them, since provisions were not to be bought at any price, that you, sir, were seen conspicuous in public exertions to afford the only refuge to which those suffering the calamities of impending famine could address themselves for succour.

At this distressing crisis you afforded us from His Majesty's store a supply in aid of our then alarming and terrible wants. You then with patriotic feeling placed the company of the ship which you command on reduced allowance, and yielded to the public distress every alleviation which such means afforded.

This time of extreme distress and fear was mitigated as the advancing weeks led on through spring to

summer. But the return of the accustomed period of activity brought little revival to the prospects of the country. Multitudes of persons were going about the streets unemployed, kept alive by the charity of their neighbours. It had become a matter of paramount necessity to ship great numbers of these to Ireland or elsewhere. Indeed, it should have been mentioned before, that this system of removal had commenced on a large scale at the close of the year 1816. Besides, two ship loads of poor wretches who were sent back to their native country at the Governor's expense, more than a thousand persons were thrown as a burden on the people of Halifax. The arrival of this shoal of paupers formed the subject of remonstrance from Lord Dalhousie, who administered the affairs of the colony of Nova Scotia. The spring seal-fishery of 1817 was an unusual failure, owing to the severity of the weather, the whole coast being shut up by fields of ice, stopping all navigation for nearly three months, whereby the vessels fitted out for that fishery were prevented from putting out to sea at the proper season.\* How serious was the effect produced by this cause will be seen by comparing the number of seals exported for that year, compared with the preceding and the following ones. The returns for 1816 give of seal skins, exported 147,009, for 1818, 165,622; while for 1817, only 37,338 were shipped.

This failure in a voyage which was becoming of considerable importance was sufficient to make a bad

\* Governor Pickmore's Report to the Secretary of State.

season, even if the cod-fishery had been ever so successful. Indeed the latter appears to have been tolerably abundant as to quantity. But the price in the foreign markets had reached a dismally low figure for the merchants, an abatement which of course ultimately had to be borne by the planter and the fisherman. Taking into account the recent commercial panic which had shaken so many of the principal houses in the colony, the destructive fire in St. John's, in February 1816, the subsequent paralysis of the sealing voyage, and the depreciated value of the produce of the cod-fishery, the summer of 1817 was one of the gloomiest busy seasons ever witnessed in Newfoundland, and held out a prospect for the winter, to the gloom of which nothing, it seemed, could be added. Yet this was possible, and was to be realised. On November 8, a proclamation was issued by His Excellency, from which the following is an extract:—

Whereas it having been represented to me, that in consequence of the extensive destruction caused by the late disastrous fire among the principal store houses and depositaries of provisions intended for the winter supply of the inhabitants of this town, an alarming scarcity may ensue, at a season of the year when it will be impossible to obtain an adequate relief, I have thought fit to impose a temporary embargo upon the export of provisions from the port of St. John's, until the extent of the evil can be ascertained, and such measures adopted as the exigencies of the case may require. I, the Governor, do therefore by virtue of the power and authority in me vested, issue this my proclamation, forbidding any ships, vessels, or boats of any kind or description, to depart from the said port of St. John's *without first obtaining my special authority and license for so doing.*

(Signed)      FRANCIS PICKMORE.

The calamity which called for this extreme action on the part of the governor, had broken out at ten o'clock of the previous night. At that hour a small house was discovered on fire, contiguous to Water Street. From this the flames spread with such rapidity, that in a short time the neighbouring houses were burning. Very quickly the conflagration extended to Water Street, on which were situated the great dépôts of stores and provisions. Though all available measures were resorted to to stop the progress of the destructive element, it continued to rage for nearly six hours, in which time upwards of 130 dwelling-houses, besides wharves and storehouses, were entirely consumed. The pecuniary loss resulting from the fire was estimated at from four to five hundred thousand pounds.

Among the buildings destroyed were the court-house, in which the magisterial and judicial business of the capital, both civil and criminal, was conducted, and the prison in which accused or convicted offenders were confined or punished. As a temporary provision to meet the loss of the latter, His Excellency gave directions that a part of the garrison should be prepared to receive such delinquents as fell into the hands of the civil officers of the law. At the same time, to guard against the recklessness which such a calamity is too likely to call into exercise and give scope for, a committee of the principal inhabitants was formed, and arrangements made for nightly patrols through the town and its neighbourhood, for the protection of property and the prevention of pillage.

Besides attending to the immediate necessities occasioned by the fire, the governor had to take means to estimate and provide for the remoter, but not less serious evils it might entail, for among the buildings which with their contents had been consumed were no small portion of the stores in which had been laid up the provisions on which for the next six months 10,000 people had to depend. Requisitions were therefore addressed to those merchants whose property had been destroyed, asking them to furnish a statement of the exact quantity of necessary articles of food they had been enabled to save. The merchants whose premises had escaped the flames were also directed to furnish an account of such stores of these articles as they had in hand. In anticipation of the insufficiency which such an explanation was likely to reveal, a despatch was forwarded to Lord Dalhousie in Halifax making known to him the sad event which had happened, with its probable effects on the subsistence of the population for the winter, and urging his Lordship to give orders for the immediate consignment and despatch to St. John's of 100 tons of bread and 100 tons of flour.

While awaiting the results of these steps to mitigate the woes and wants arising out of the conflagration, only a fortnight had passed away, when the citizens were alarmed in their beds by a second visitation of like character. At half past three o'clock in the morning of November 21, the persons keeping watch on board the men of war in the harbour descried a fire bursting out from a merchant's premises on the

lower side of Water Street, a somewhat considerable distance to the west of the ruins left of the recent devastation. Though there was little wind at the time, the flames spread with such rapidity among buildings entirely composed of wood, and containing large quantities of inflammable articles, that they baffled all attempts to arrest their progress, until for a long distance, eastward and westward, both sides of the street were utterly consumed, besides many houses beyond the street to the northward.

The last visitation seemed to complete the misery of St. John's. The variety and degree of that misery is almost pathetically described in the presentation of the Grand Jury to His Excellency on November 29. In that address the subscribers say:—

By the conflagrations of the 7th and 21st of this month property to a very large amount has been destroyed, and upwards of 2,000 individuals, comprising nearly one-fourth of the inhabitants of this important town, are at this inclement season deprived of their habitations.

Calamities so extensive would have been in our most prosperous times productive of severe distress, but on retrospecting to our situation for the last three years, during which period we have alternately suffered by fire, by famine, by lawless outrage, and numerous mercantile failures, which have greatly injured the commercial reputation of the town, the recent conflagrations seemed only wanting to consummate our misfortunes. Several hundred men in the prime of life, without money, or the means of being employed, without adequate clothing or food, are at the hour of midnight wandering amidst the smoking ruins to seek warmth from the ashes, and food from the refuse of the half-consumed fish. In dwelling-houses the misery is little less. Many families, once in affluence, are now in absolute want.

Their earnings during the summer months were not sufficient for their support in the only period when they can be employed in the fishery, and they are now, at the commencement of winter, without the means of existence. Within these two days, two men have been found perished of cold, and many hundreds must inevitably experience a similar fate if humanity does not promptly and effectually step forward to their relief. . . . We, therefore, present that His Excellency the Governor should be solicited to take such steps as the exigency of the circumstances demand; and to give all assistance which his high office has, through His Majesty's government, placed within his power, in order that His Majesty's dutiful and loyal subjects may not perish.

It is painful to have to notice one characteristic of the lower orders in St. John's in connection with these dire disasters. Many of them availed themselves of the distress of their neighbours, whose houses and stores were being destroyed, to gain possession of property, articles of furniture, provisions, &c., not for the purpose of saving it for the benefit of the rightful owners, but feloniously to appropriate it to themselves. So extensively had this unnatural practice prevailed, that the Governor was under the necessity of publishing a proclamation on the subject, warning the guilty parties that 'if any such property should hereafter be found, or known to be in the possession of any other than the rightful owners thereof, such property should be deemed to be stolen, and the offender or offenders brought to the severest punishment of the law.'

The following document points to a darker order of criminality, indicating a savage Vandalism, threatening destruction to the order and stability of society.

*A proclamation.*—Whereas it has been reported to me by the magistrates that a discovery was this day made, of a deliberate attempt to set fire to the house of William Hogan in Magotty Cove, whereby a great part of the remains of this unfortunate town would have been probably destroyed, and many of the distressed inhabitants left without shelter at the severest season of the year; and whereas this new attempt, connected with the unexplained causes of the fires of the 7th and 21st of November last, leaves little room to doubt that there are in this community some persons of diabolical dispositions, whom no feelings of human nature can restrain from horrid crimes, and no common inducements of justice have hitherto been sufficient to bring to punishment; I, the Governor, do therefore issue this my proclamation, hereby offering the sum of 300*l.*, to be paid to any person or persons who shall discover and bring to conviction any offender or offenders having maliciously set fire to, or been accessory to the malicious setting fire to, any house or houses in this town, and burning the same, or any part thereof, &c. Given under my hand, at Fort Townshend, St. John's, Newfoundland, January 1, 1818.

It is pleasant to turn from such indications of baseness in the very midst of a people on which Providence has laid its hand so heavily, and in place thereof to record the conduct of the good citizens of Boston, who, in 1817, honoured themselves by a charitable work towards the sufferers in Newfoundland, which the Americans in the year 1813 have repeated on a larger scale on behalf of the distressed unemployed in Lancashire.

About the middle of January 1818, the governor received a letter accompanying the consignment to which it refers, part of which at least deserves to be transcribed in a history of the period:—

*To His Excellency Francis Pickmore, Esq., Vice-Admiral and Governor, &c., President of the Society for the Improvement of the Poor of St. John's.*

SIR,—The recent conflagration of a great part of the town of St. John's, at a period of the year when it may be impracticable to obtain relief from the parent country, and the calamity which must necessarily ensue to a large number of our fellow-beings, have been felt in this town with all the sympathy which they are calculated to inspire. A subscription, for the purpose of affording some immediate aid to the sufferers, has been consequently opened in this place, and the means of purchasing a quantity of such articles as are considered to be best adapted to the exigencies of the moment, have been readily contributed by a number of its inhabitants.

The American brig, Messenger Captain Peterson, having been chartered for the exclusive object of carrying this offering to St. John's, we have now the honour to enclose you a bill of lading, and manifest of her cargo, consisting of the following articles:—

174 barrels of flour      125 barrels of meal

11 tierces of rice      27 barrels and 963 bags of bread, which, on behalf of the contributors, we request that you will have the goodness to receive, and cause the same to be distributed among the sufferers by the late conflagration, in such manner and in such proportions as their respective circumstances may require. We beg leave to recommend the bearer, Captain Peterson, to your kind protection. . . . The cause of humanity alone has induced him to undertake, at this inclement season, such a voyage which, under other circumstances, he would have felt himself obliged to decline.

We have the honour to be, with all due consideration, very respectfully, your Excellency's obedient humble servants.

(Signed)

JAMES PERKINS

ARNOLD WILLIS

JONATHAN AMORY, Junr.

BENJAMIN RICH

TRISTRAM BARNARD

JOHN HOUSTON.

Boston, December 27, 1817.

In reply to this communication, the Governor after acknowledging the arrival of the brig, and the speedy delivery of her cargo, thus expresses his sense of the generous act, on which he was called to write:—

I beg to assure the committee that I shall use my best endeavours in the distribution of this bounty, to fulfil their benevolent intentions, but I confess myself unable to express, in adequate terms on behalf of those whose relief has been the object of the humane consideration of the inhabitants of Boston, the feelings which their generous act has excited. Individually, I desire to offer my warmest acknowledgements to them, and shall not fail to communicate to His Majesty's government this spontaneous act of liberality, which, in its effects, I trust, will tend to increase and cement more firmly the relations of friendship which now so happily subsist between the two nations.

I have the honour to be, &c.,

FRANCIS PICKMORE.

In the foregoing account of the various and long-continued distress, the narrative has for the sake of unity, and on account of the greater abundance of reliable materials, been confined to what took place in St. John's. But many of the evils mentioned existed in an equal, or even greater measure, in other parts of the island. It is pitiful to read some of the applications made from the out ports, imploring aid to be sent to the literally starving inhabitants. A vessel, having provisions on board, being compelled by stress of weather to put into the Bay of Bulls, the news spread around, and not only the people of that place, but those dwelling for miles along the coast, came with arms in their hands, and though a detachment of

military had been sent round to protect the vessel, the hungry crowds were prepared to risk their lives in a fight to obtain food for themselves and children, the conflict being prevented only by a solemn promise from the authorities that a certain portion of the provisions should be given to the settlement.

But as the darkest hour of night is said to be that which is the forerunner of the dawn, so the climax to the accumulated miseries of the Newfoundlanders only went before the introduction of a brighter day. The winter of 1817-1818 was unusually severe, not as had been the case in the preceding season, by north-east gales blockading the coast with ice, but intense frost on the land. The harbour of St. John's was frozen up to the very entrance with ice several feet in thickness, while the blue water stretched away beyond.

In the month of March the sealing vessels made their way along channels cut through the ice, and went out to sea. In a few weeks afterwards they returned from a successful voyage. This propitious opening of the season put heart into all classes concerned in the cod-fishery, which was prosecuted during the summer with great ardour and success, and as this reviving prosperity in the avocations of the colony was coincident with an improvement in the prices obtained for the produce in foreign markets, the troubles of the past were soon lost sight of, or regarded as dismal memories belonging to a departed time, which it was hoped would never appear again.

It was not permitted to Admiral Pickmore to see

the return of prosperity to the country, the Government of which had been such a sad and anxious burden to him. On his departure from England in the summer of 1817, his instructions commanded him to remain in the island during the winter, the future residence of the governors in the colony having been adopted as a rule by the ministry. Sir Francis Pickmore, the first to whom this rule was applied, was a man well advanced in years. The troublous scenes which he had been compelled to witness in the beginning of the winter had probably pressed too heavily on his mind and heart, and in consequence, there was marked in him a failure of his usual health. This for some time did not appear of a threatening or dangerous nature, but in the middle of February he declined rapidly, and on the 24th of that month he died.

His funeral was conducted in a manner appropriate to the rank of the deceased. All the military and naval force on the station were present; the civil authorities, the clergy of various denominations, the public societies of the town, and the inhabitants generally swelled the procession which bore his remains to the church. There, just overlooking the ruins which the late dreadful fires had made, and in the midst of people still enduring sharp sufferings, which he had done his best to mitigate, the old admiral was laid temporarily in a vault which had been prepared for him, the first governor who spent any part of the winter on the island, and the only

governor, who for a period of 130 years, has died at his post. His body was afterwards conveyed to England, and some idea of the severity of the season at St. John's may be formed from the fact that it took three weeks to cut a channel for the vessel that conveyed him through the ice.

## CHAPTER XII.

1818—1825.

AFTER the death of Admiral Pickmore, the duty of governing the colony devolved on Captain Bowker, the commander of the Admiral ship. The task which had thus unexpectedly fallen into his hands was not a light one. It had to be undertaken in the extremity of the winter, and among a people whose provisions stored for that season had nearly all been destroyed by fire. Notwithstanding all the efforts which had been made by the late governor immediately on the occurrence of the latter calamity, to provide against some of its effects—notwithstanding the liberal supplies forwarded from Halifax, supplemented by the generous gifts of the Americans—the scarcity was very great, and entailed a large measure of suffering.

But, as the weeks followed each other in slow succession, with the lengthening days came the revival of the people's hopes. The first stimulant to these hopes was the favourable seal fishery, the returns of which came in April. These were welcomed as the sign that Providence had not utterly forsaken the land; and so men were encouraged to prepare for making the most of the summer voyage,

the general character of which has been mentioned, by anticipation, in the preceding chapter.

On July 20, 1818, Captain Bowker was relieved of the responsibilities which he had sustained for five months, by the arrival of Sir Charles Hamilton, Baronet, and Vice-Admiral of the Blue Squadron, whose commission as governor and commander-in-chief was read the same day, ‘in the presence of the chief justice, the justices of the peace, the colonel commanding, and officers of the garrison, and the principal inhabitants of St. John’s.’ A few days afterwards, His Excellency, in a letter announcing to the Earl of Bathurst his arrival and assumption of office, informed his lordship that so far as the season had advanced, there was reason to hope that the fisheries would be fairly productive.

One of the most urgent demands on the Governor’s attention arose out of the conflagrations which had marked the close of the administration of his predecessor. The principal part of the town of St. John’s had to be rebuilt, and in such a manner as to make it less liable to such dreadful visitations as the inhabitants had lately experienced, and from which they were still suffering. Notices were published prohibiting the commencement of any buildings on the site of the old ruins, until some plan was authoritatively adopted, by which the danger of fire might be removed, or, at least, its destructive effects be diminished.

During the delay consequent on the preparation of such a plan, fresh evidence was afforded of the

necessity of the precautions it was intended to supply. Sir Charles Hamilton had been at the seat of government little more than a month, when he had to report to the Secretary of State that another fire had broken out, which, though speedily arrested, had in the brief space while it lasted burned twelve dwelling-houses, destroyed a portion of the Ordnance property, and imperilled the whole of it. In the following summer he had to transmit an account of a more serious conflagration, to the westward of the sites of the fires of November 1817, which, first discovered at one o'clock in the morning when people were asleep, had got to a speedy head, and, being aided by a strong wind, was not extinguished until it had destroyed 120 dwellings, stores, and wharves, consumed 150,000*l.* worth of property, and rendered 1,000 persons without a home. The frequent recurrence of these fires, so extensive and ruinous in their character, all comprised within the space of a few years, suggests the opinion that the enormous immigration, attracted by the high wages prevailing in the latter years of the war, had some part in producing these calamities. Previous to 1810 the town had been quite as well adapted for making a bonfire as it proved to be afterwards, and the inhabitants were duly apprehensive of its ominous fitness for such a catastrophe; yet a fire was of comparatively rare occurrence, and never proceeded to any great extent of damage. But in and after the year above-mentioned, Ireland sent out annually thousands of emigrants, a considerable portion of whom stayed in St. John's—

crowding the houses, already too much crowded together: and, either as the natural consequence of this excessive condensation of human beings, all needing their share of household warmth and culinary operations, or from a blameworthy carelessness—to say nothing of more criminal doings—not obscurely indicated in the proclamation of Governor Pickmore, again and again the inhabitants were called to look on a blazing apparition, devouring their possessions, until at last nearly all the features of the old town were burned out.

Though the importance and necessity of rebuilding the town after a different fashion from that which it had before exhibited were generally acknowledged, many difficulties intervened in carrying out the details by which this was to be accomplished. It was essential that the streets should be greatly widened, and this involved the taking up ground which had been leased to private individuals.

Hence arose the question of compensation, which was not easy to settle, from the exaggerated estimate which many persons entertained of the value of their interest in the property. The only way authoritatively to adjust these claims, and to provide for the main object which had originated them, was by procuring an Act of the British Parliament, which was a somewhat slow process. More than two years elapsed before a law was enacted, establishing rules for widening the streets and rebuilding the town of St. John's. Meantime, the people were in want of houses, stores, &c., and could ill brook this legislative delay;

consequently, erections went up in an irregular manner, and were tolerated by the authorities, from the necessity of the case. ‘When, therefore,’ to use the words of a memorial presented to the king in 1820, ‘the long expected Bill did arrive, it came with all the inconvenience of an *ex post facto* law, and placed a considerable number of the most costly and valuable buildings in the town in the predicament of standing contrary to the Act of Parliament.’

By the provisions of the statute thus tardily introduced, the draft of which had been prepared by Governor Hamilton, it was enacted that the principal street, running in the line of the harbour, should not be less than 50 feet in width; and the second main street, running parallel to the former, not less than 40 feet wide; these two streets to be intersected at right angles by cross streets having a breadth of not less than 60 feet.

In the beginning of 1819, the Governor received the text of an important convention which had been agreed upon between His Majesty’s government and that of the United States, in relation to the fisheries on the coasts of the British dominions in North America. By the terms of this contract, it was agreed that the inhabitants of the United States should have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland extending from Cape Ray to the Rameau Islands; on the western and northern coast, from Cape Ray to the Quirpon Islands; on the shores

of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joli on the southern coast of Labrador to and through the Straits of Belle-isle; and thence northwardly, indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. The convention further provided that the American fishermen should also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, should be settled, it was not to be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the said ground.

In return for the extensive privileges thus conceded, the Government of the United States renounced for ever any liberty previously enjoyed or claimed, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits. Such were the principal provisions, as affecting Newfoundland, of this important convention—a convention which the people of the latter regarded as bearing very hard on them. Some of its details, too, suggested to the Governor difficulties in the way of practical action in reference to them. That part, for example, which gave the Americans right to dry and cure fish in the *unsettled* harbours, &c.—which right

was lost so soon as the same became settled—was likely to give occasion to the question, What constituted a settlement? Did one man's taking up his abode in a previously uninhabited harbour give that harbour a settled character? And, if not, how many individuals or families were necessary to realise the condition laid down in the convention which excluded the Americans?

But the great complaint of the Newfoundland fishermen and merchants, in reference to the convention, was the seriously-augmented rivalry to which it subjected them in the prosecution of their business. The greater part of the bank fishery was already occupied by the French, who were subsidised by a large bounty for every quintal they caught. And now the Americans were brought in to enjoy a concurrent right in the shore fishery, of which they availed themselves to such an extent that four and five hundred vessels were reported as visiting the Gulf of St. Lawrence and the coast of Labrador in a season. From the insufficiency of means to give effect to the customs and regulations, they were enabled also to carry on a large amount of illegal traffic, to the injury of the legitimate British trade. At this time, too, the price of fish, though better than it had been in the years immediately succeeding the war, was still very low in foreign markets; and this great increase of produce tended to keep it depressed. These things, in connection with the fact that the fisheries themselves did not yield an increase proportionate to the larger number of inhabitants dependent on them, kept

the latter, and the trade generally, in a very untoward state. Indeed, but for the seal-fishery being followed to a much greater extent than formerly—and in most seasons with great success—for some years, the condition of the people must have been almost desperate.

One great aggravation of the evils under which they suffered was there being a constant influx of new-comers from Ireland. These, seduced by lying lures held out by men who made a gain by conveying them across the ocean, were landed in an almost starving condition, oftentimes afflicted with infectious diseases, in the midst of a people among whom an enormous and wretched pauperism was becoming the normal and most marked characteristic of their social state.

So alarming was the prospect of destitution on the approach of the winter of 1821–2, that the Governor, to stimulate the charitable contributions of the principal inhabitants, engaged, on behalf of the British government, to double the amount which they should collectively raise for the relief of the poor during the coming season, a proposition which was liberally responded to.

One or two extracts from a memorial bearing the signatures of upwards of a hundred and fifty persons, including clergymen, civil officers of the Government, merchants and others, presented to His Excellency in the following May, will best set forth the low condition of the trade, and especially, the miseries of the preceding winter. It commences with this mournful exordium:—

May it please your Excellency,—We, His Majesty's dutiful and loyal subjects, inhabitants of the once flourishing town of St. John's, beg leave to approach your Excellency with a faithful account of the great distress prevailing in this town, and we are grieved to assure your Excellency, in an equal degree throughout the island, which, we humbly hope, your Excellency will be pleased to convey to the foot of the throne.

After referring to the generous proposal of the Governor and the subscription which followed, the memorialists say:—

The winter we then so justly dreaded has now nearly passed away, and happy should we feel, if with it, we could say the sorrows and distress of the community were also at an end. But the accounts of the markets abroad received by the early arrivals are distressing to a degree. The average sales of last year's shipments do not realize two-thirds of prime cost, and as everything tends to discourage an extensive prosecution of the fishery, there is not a doubt but great numbers of persons will remain unemployed during the approaching season.

In reference to the distribution of the charitable fund, they say:—

Your Excellency cannot hear but with astonishment that the number of persons relieved, for the most part we may say supported by the committee, amounted to more than two thousand three hundred, comprising nearly one-third of the whole population of the district, and composed chiefly of persons who came out of Ireland in better times, and their families who have been born here, and who, in the present depressed state of the trade, cannot hope to earn enough to support themselves. Thus the paupers of last winter will certainly be paupers next winter, and nothing but a very successful fishery can prevent the number from being considerably augmented.

The pressure of hard times gave a stimulus to the agitation which had commenced some years previously, to seek the acquisition of institutions for the self-government of the colony, and a change in the administration of the laws. The movement in this direction was strengthened by an event which occurred in Conception Bay in the year 1819. Two individuals in that district had been summoned to the Surrogate's court in a civil process. In the course of the proceedings, they were convicted of contempt towards the court: for which they were sentenced to receive a certain number of lashes. While undergoing this punishment they were tied to a common fishing flake. One of the men, after receiving fourteen lashes, fainted and was cut down. On his recovery, the rest of his punishment was remitted, but not until he had consented to give up some property on account of which he had been involved in the proceedings of the court.

This case excited a great amount of indignation in the colony, and was made the subject of a civil action before the supreme court, in which the surrogates, one a captain in the navy, the other a clergyman of the Church of England, appeared as defendants. The chief justice, in summing up the case, though not approving the harsh proceedings of the defendants, yet stated to the jury that they had not exceeded their legal powers, and directed a verdict in their favour which was given in the following terms :—

The jury, in finding a verdict for the defendants, cannot allow this opportunity to pass without expressing their

abhorrence of such an unmerciful and cruel punishment for so trifling an offence, as that which has been inflicted on the unfortunate plaintiff in this action.

After the result of the trial was known, a public meeting was called in St. John's, at which strong resolutions were passed, condemnatory, not only of the conduct of the surrogates, but also of the state of the law, which had suffered their proceedings. At the same meeting, other grievances were dilated on, more especially the want of a legislative power in the colony, and the views of the assembly on these subjects were embodied in petitions to the king and to both Houses of Parliament.

The petition to the House of Peers was presented, May 1, 1821, by Lord Holland, and supported by Lord Darnley. On the 28th same month, Sir James Mackintosh presented the petition in the Commons, and spoke earnestly in its favour. He was supported by Dr. Lushington and other members of the House. In reply, the ministry, by Earl Bathurst in the Lords and Mr. Goulburn in the Lower House, deplored the special case which had led to this appeal to Parliament, admitted many of the grievances alleged by the petitioners, but questioned the ripeness of the colony for such an institution as a local legislature. The Houses were assured, however, that arrangements had been made for the better regulation of the colony.

On May 16, 1823, the House of Commons gave expression to its feelings of interest in the affairs of Newfoundland, by passing a resolution ‘that an humble address be presented to His Majesty, that he

will be graciously pleased to give directions that there be laid before this House a return, &c.' The return thus asked for embraced a variety of subjects relating to the colony, such as the income received by the Governor from all sources, the Government rents, the revenue derived from the customs, the expense of collecting the same, salaries of public officers, the courts of justice, fees, &c.

In consequence of this resolution of the Lower House, Lord Bathurst requested Sir Charles Hamilton to prepare, as far as it was in his power, answers to the queries on which information was sought. The spirit of independence which was rising in the colony began about this time to take a practical shape, which was somewhat embarrassing to the authorities. The absence of local institutions of government was made an excuse for escaping local burdens of a pecuniary kind. The hospital, which had been supported by a kind of voluntary assessment in different classes, was so inadequately sustained from this source, that it was falling to decay, and even the proposition was entertained of turning it to some other use. The charge of the poor also was so insufficiently met by the contributions of a charitable willingness, that there was a danger of its falling entirely on the representative of the Crown.

It is curious to trace the rise of the race of pleading lawyers in the courts of Newfoundland. Their introduction is somewhat querulously described by the Governor in a letter to the Secretary of State:—

I beg to inform your Lordship that a practice has crept

into the courts of justice within these very few years, exceedingly injurious to the best interests of the fishery and the community in general, by the encouragement given to petty attorneys who are employed in almost every case which comes before the chief justice, instead of being heard in a summary way as authorised by the Judicature Act, which had always been the practice heretofore. The natural consequences are, that considerable delay and expense are occasioned to all parties, and public justice retarded. . . . The persons acting in the capacity of attorneys here are mostly bankrupt merchants, having never had any education for the profession of the law.

Indeed, any person may come into court and plead as attorney for another, whatever may be his profession or character, as regular attorneys have hitherto been unknown in this island, and as the persons to whom I allude are now generally employed, it is especially necessary that they should be men of ability and probity, giving security for their good conduct, and not be allowed to act in that capacity without the previous sanction and approbation of the local government, or the courts of law at home.

This is an evil the growth of which is rapidly increasing, and the earlier it is checked the better.

This extemporised forensic practice was productive of great inconvenience and damage to His Excellency, who, as is usually the case with such functionaries, was the last to avail himself of the new auxiliaries to the pursuit of justice. He thus describes the disadvantage under which he laboured:—

It (the supreme court) is now filled with persons officiating as attorneys or special pleaders, and as in all cases in which the Crown, the officers of government, or the magistracy are concerned, there is no person capable of conducting causes on their part, or advising thereon, the causes are generally lost, there being no advantage that these petty attorneys are not ready to take, and magnify to the utmost. Under these

considerations and many more that I could offer, I now make my most earnest request that your Lordship will be pleased to take this into consideration, and appoint an attorney-general for this island and its dependencies.

The request thus earnestly presented was in a short time afterwards complied with. A real lawyer was sent out as attorney-general. But the Governor did not find much immediate profit from the acquisition, for the first functionary sent out in this character seems to have been a man of such vacillating, uncertain judgment, that it was rather a frequent habit with him, after having encouraged the Government to prosecute cases in the court, to get up in the midst of the process and intimate that he was wrong in advising it to be brought into the court at all, thus suggesting to judge and jury that they ought to give a decision against the Crown.

The increasing difficulties besetting the administration of justice, the disorderly practices which had crept into the courts, the many complaints that had arisen in reference to the decisions of the tribunals, especially of the surrogates' courts—complaints which made themselves heard within the walls of Parliament, rendered it necessary that a new and comprehensive measure should be passed by the British Legislature, adapted to the altered condition of the country. Partly in order that he might lend his advice in the preparation of such a measure, Sir Charles Hamilton went to England at the close of 1823. There he remained through the following year, though still retaining the rank of governor, the

duties of his office in the island being performed in his absence by the chief justice.

The result of the deliberations of the ministry was the bringing before Parliament, and the passing by that body of an elaborate statute entitled, ‘An Act for the better administration of justice in Newfoundland, and for other purposes.’ The preamble states:—

Whereas it is expedient to make further provision for the administration of justice in the Colony of Newfoundland, it is therefore enacted by the King’s Most Excellent Majesty, by and with the consent and advice, &c., in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for His Majesty by his charter, or letters patent, under the Great Seal, to institute a Superior Court of Judicature in Newfoundland, which shall be entitled ‘The Supreme Court of Newfoundland,’ and the said court shall be a Court of Record, and shall have all civil and criminal jurisdiction whatever in Newfoundland and in all lands, islands, and territories dependent upon the government thereof, as fully and amply to all intents and purposes as His Majesty’s courts of King’s Bench, Common Pleas, Exchequer, and High Court of Chancery, in that part of Great Britain called England have, or any of them hath, and the said Supreme Court shall also be a Court of Oyer and Terminer, and general gaol delivery in and for Newfoundland, and all places within the Government thereof, and shall also have jurisdiction in all cases of crimes and misdemeanours committed on the banks of Newfoundland, or any of the seas or islands to which ships or vessels repair from Newfoundland for carrying on the fishery.

The principal provisions of the Act of 1824 were to the effect that the supreme court should be ‘holden by a chief judge and two assistant judges, being respectively barristers in England or Ireland of at least

three years' standing, or in some of His Majesty's colonies or plantations; that it should be lawful for the Governor to divide the colony into three districts, as may appear best adapted for enabling the inhabitants to resort with ease and convenience to the circuit courts to be therein established; — that it should be lawful for His Majesty to institute circuit courts in each of the three districts, such courts to be holden at least once every year by the chief judge, or one of the assistant judges of the supreme court; that the circuit courts should have the same jurisdiction within the district in which they were severally held, as was vested in the supreme court for the whole colony, with the exception of trying certain crimes specified, or of hearing or determining any suit arising out of a violation of any Act of Parliament, relating to the trade and revenue of the British colonies in America. Such crimes and such suits to be tried, heard, and determined only in the supreme court. To persons who felt themselves aggrieved by any judgment given in the circuit court, there was granted power of appeal to the supreme court, for a reversal of such judgment. By the same Act, authority was given to the Governor to institute a court of civil jurisdiction on the coast of Labrador.

Such are the principal characteristics and aims of a statute which, with the royal charter issued in consequence of it, has formed the basis of the modern jurisprudence of the colony. By it, the old system under naval surrogates, which had to deal with nice questions of law, and give judgment thereon, a system which

in its earliest days was recognised as having many blemishes, and which under the increasing light of recent times was seen to be utterly repulsive, was entirely swept away, and the Judicature of Newfoundland was brought into nearer harmony with that of the mother-country, and of the other colonial possessions of Great Britain.

Other points in the Act which were also incorporated in the Royal Charter may more properly be mentioned in connection with the publication of that instrument, the account of which will be given in the next chapter.

An effort of a charitable and useful character belongs to this period (1823). It was initiated in a memorial signed by a number of English merchants interested in the Newfoundland trade, and who expressed their desire to found in St. John's, with the sanction and assistance of the Government, a training-school, from which teachers might be sent to the different outports. They wished the academy to be established on a liberal basis, so as to meet the diversity of religious sentiments in the population. Their memorial was accompanied by a letter strongly urging its appeal, from Mr. Samuel Codnor, a man whose name is gratefully associated with the small measure of primary education provided in the country until very recent times.

His Excellency, in laying this memorial before Lord Bathurst, expressed himself as not sympathising with its proposed object, he regarding the movement as of a sectarian character, in opposition to the schools

of the established church. It, however, received the approval and support of the British Government, which, in thus aiding the establishment of the Newfoundland School Society, procured the introduction of one of the most useful institutions in the country.

While the British settlers were in various ways labouring to introduce and establish the marks of civilisation borrowed from the old world, fresh glimpses were afforded of the unhappy and fading race, whose inheritance had been appropriated by the strangers. In the beginning of the year 1819, a person of the name of Peyton, carrying on considerable salmon fisheries in the north of the island, having for several years been greatly annoyed, and having suffered extensive injury, evidently at the hands of the natives, determined to go into the interior with the view of recovering some of his lost property, and of inducing the Indians to enter into a system of barter with him for the future, instead of supplying themselves by theft. In this journey he was accompanied by his father and eight of his own men. With these he proceeded into the interior, and on March 5, on a frozen lake, a number of the aborigines came in sight. They immediately ran away; but Mr. Peyton, by throwing away his arms, and making signs of amity, induced one to stop, who proved to be a woman, and who soon grew very friendly.

The rest of the Indians, however, approached with more hostile dispositions, and, it is said, attacked the visitors, one of them seizing the elder Peyton by the throat with the intention of taking his life. To pre-

vent this, he was shot by a musket ball, when all his companions, save the woman, precipitately fled. The woman returned with Mr. Peyton and his party, and was placed under the care of the episcopal missionary of Twillingate. She appeared to be about twenty-three years of age, of a gentle disposition, and intelligent enough to acquire and retain many English words which she was taught. It was ascertained that she had a child of three or four years old; it therefore became an object dictated by the first feelings of humanity to restore her to her tribe. She was first brought to St. John's, where she remained several months, exciting a strong and kindly interest towards herself by her modest and intelligent demeanour, and where to many she is still the subject of a pleasant memory, which is recalled by the mention of the name of Mary March.

The charge of returning her to her people was entrusted to Captain Buchan, who had before been engaged in expeditions to the Indians, and it was intended he should set out in the following spring to effect her restoration, and if possible open up some friendly communication with her people. Unfortunately, before Captain Buchan's enterprise could be accomplished, the woman died. This sad event occurred on January 8, 1820, and was only too likely to increase the obstacles in the way of establishing an intercourse with her suspicious race. All that could be done in the way of conciliation was done. Captain Buchan proceeded on his journey, taking with him the body of the dead woman, which had been

wrapped in linen and placed in a coffin. This he left on the margin of a lake in the interior, where it was likely to be found by her people, who, it is said, did in fact discover it, and afterwards conveyed it to the place of sepulture of the tribe.

In the spring of 1823, William Cull, whose name has before appeared in this work, being employed with some other men in taking furs into the interior of the island, fell in with an Indian man and an old woman. The former fled, but the other approached and joined Cull and his party, whom she shortly led to where her two daughters were. One of these was about twenty, the other sixteen, years of age. All three were brought by Cull, and placed in the charge of Mr. Peyton, he being a magistrate.

Being well aware that the Government was very anxious to bring about an amicable intercourse with the natives, Mr. Peyton deemed it the best thing he could do to bring the women to St. John's. On their arrival there, however, it soon appeared that one of them was far gone in consumption, and the health of the other, too, was very precarious. It was, therefore, judged proper to hasten the return of two of them.\*

The service of conducting them devolved on Mr. Peyton, who was furnished with a large number of presents, consisting of such articles as were calculated to gratify a barbarous tribe. These his instructions directed him to use as circumstances and his own dis-

\* The third was left behind in St. John's, where she lived for some years, dying at last of consumption.

cretion might render most suitable as ‘an incitement to these poor creatures to repose confidence in our people in that part of the coast they frequent.’

Whether any immediate good effect was produced by this new attempt at conciliation does not appear in the Records of the colony. That this, as well as former efforts of the same character, was without any permanent beneficial fruits, is evident from the fact that traces of the Indians gradually grew fainter: until now, for many years not one of them has been seen, and it is questionable whether at the present time a single individual of the race exists in the island.\*

\* The period of the administration of Sir Charles Hamilton was marked by the most earnest attempt to explore the interior of the country by Mr. Cormack. Extracts from his narrative of the expedition will be found in Appendix No. 5.

## CHAPTER XIII.

1825.

IN 1825, Captain Sir Thomas John Cochrane was commissioned to succeed Sir Charles Hamilton in the government of the island. In his appointment to this office, the rule, which had been followed for many years, of making it an appendage to the functions of the admiral in command of the squadron on the station, was departed from, probably from the greater importance which had grown up in the civil affairs of the colony. Captain Cochrane occupied the post for a longer period than any other governor either before or since; and this fact, together with the great changes introduced by the Imperial Parliament, and the active interest His Excellency manifested in the internal arrangements of the country, which led him to effect considerable improvements, especially in the neighbourhood of the capital, makes the period of his rule one of the most important in the annals of the colony on whose condition no other governor has left so many abiding marks of his presence and his sway.

To sketch the course of events in his time is the object of the present chapter: and as the years embraced in the narrative are approaching this side of

the proper historical period, the author intends as far as possible to confine himself to the principal occurrences and their causes, and to touch on these with a brevity which he desires to make more evident in the progress of what remains of this work.

The commission of Governor Cochrane contained a clause which indicated the introduction of a further change in the mode of directing the affairs of the colony. Whereas previously the representative of the crown had been left to his own discretion, aided by such instructions as he received from the authorities at home — no one in the island sharing the responsibilities which devolved on him — it was now ordered that a council should divide with him the burden of the charge. The clause enjoining this new arrangement ran as follows :—

And our will and pleasure is, that there shall henceforth be a council within our said island and territories, to advise and assist you, the Governor thereof; and we hereby require that you, the said Sir Thomas John Cochrane, shall, upon your arrival in our said island of Newfoundland, forthwith call together as many as can be conveniently assembled of the persons whom by our instructions, under our signet and sign-manual, herewith given to you, we have nominated and appointed to be members of our said council.

On Saturday, October 8, 1825, the commission of His Excellency was read and published in the presence of the judges, the lieutenant-colonel commanding the forces, the principal officers, civil and military, and inhabitants assembled at Government House — the Governor taking the oaths of office, and then administering the same oaths to Chief

Justice Tucker, Assistant-Judges Des Barres and Molloy, and Lieutenant-Colonel Burke, appointed by the Royal instructions members of His Majesty's council.

It was provided in the Royal instructions that three should suffice to form a quorum in the meetings of the council; and in the case of the Governor's absence or death, without there being anyone specially nominated to act as Lieutenant-Governor, the member of the council whose name stood first on the list was to undertake the functions of Governor.

One of the first objects which presented itself to the attention of His Excellency was the amount of able-bodied pauperism which infested the town of St. John's in the fall of 1825, and which was only likely to increase and become a heavier burden on the public as the winter advanced. This evil had assumed the form of an inveterate social disease, almost beyond the possibility of eradication, and which was indeed to tax the sagacity of successive governments to prevent its inoculating with its pernicious virus the community at large. Governor Cochrane attempted to put some check on it, by exacting a portion of work, while work was available, from the able-bodied who were likely to be, and who had in fact already become, applicants for poor relief. He therefore put out a notice, stating that such persons as were willing to work, and could find no employment, might be engaged at low wages in the repair of roads, or other works of public utility, until the extreme rigour of the season set in. These

labourers were to receive at the rate of eighteenpence per day, two-thirds of which was to be paid to them every Saturday, the other third held in reserve to provide them with absolute necessities during the winter. The same notice further explicitly declared that ‘no relief whatever will during the winter be expended on them, or any others who (being able to place themselves beyond dependence) do not accept this offer.’ It is not stated how far this measure mitigated the pressure of idle pauperism in St. John’s, but both there and in the outports there was a large demand on the resources of the Government and on private charity, to meet the wants of the starving poor.

In the summer of 1826, His Excellency addressed a letter to the clergy of the several denominations of Christians on the subject of the distress of the lower orders, and recommending them to impress on their flocks the necessity of the exercise of greater economy than was common among the labouring population. In that document the Governor stated plainly some home truths, declaring his persuasion that the distress which was so much to be deplored mainly arose rather from improvidence on the part of the sufferers than from any other cause, and that the most effectual remedy was to be found in their own change and improvement of conduct. He stated further:

The rations that are issued during the fishing season very much exceed in quantity anything I could have imagined—more than any labouring man in England consumes—far beyond what the hardiest working man in Scotland can ever

command—and considerably exceeding the allowance given in the fishery of France established on this coast. Those who are upon wages receive a sum during the summer months which, if properly husbanded, would, together with the produce of their own exertions after the fishery has ceased, be fully adequate to the support of themselves and families for the following winter. Yet I am led to believe that a large portion of this is dissipated before many weeks or days have elapsed after the fishing season has terminated, and in consequence of such profusion many families are left to want and misery.

His Excellency could only hope for a removal or abatement of this wretchedness in the improvement of the morals of the people on whom it fell; and to aid in bringing about such a change, he cheerfully relied on the precepts and example of an attentive and diligent clergy. He thus concludes his letter:—

I have therefore most earnestly to beg that you will in future take every opportunity of pointing out to your flocks, both from the pulpit and elsewhere, the origin of all the evils that so constantly attended them, as well as the means by which they may be averted, and that you will at the same time let it be thoroughly understood that Government does not feel itself called on to support those who are the cause of their own misfortunes, and that in future no relief can be given (whatever the distress may be) to any but those whose miseries are the result of unavoidable circumstances, and that the strictest investigation will be made into every case of that description that hereafter may present itself for the consideration of the proper authorities.

The great event which distinguished the early part of the administration of Sir Thomas Cochrane was the promulgation of His Majesty's charter for instituting the new Supreme Court of Judicature.

This event took place on January 2, 1826, and was characterised by a degree of ceremony beyond what had ever been seen before in St. John's.

The honourable judges, the honourable Lieut. Burke, C.B., commanding His Majesty's forces, the magistrates and heads of all the public departments, civil and military, the clergy, the chamber of commerce, the grand jury, and most of the principal inhabitants assembled at the Government House, when the oaths of office were administered to the chief judge and assistant judges, after which His Excellency delivered to the chief judge His Majesty's Royal Charter, which was handed by the judge to the chief clerk of the Supreme Court, to be borne by him to the Court House, and to be there read.

After these preliminaries were over, the assembled parties formed themselves into a procession, the order of which had been fixed by a programme previously issued. The constables (two and two)—fort-major—gentlemen of the learned professions (two and two)—clerks of the central, southern, and northern circuit courts—magistrates (two and two)—the chief magistrate, &c. &c. On arriving at the Court House, the Charter was solemnly read; at the conclusion of which proceeding, all the prisoners confined in the gaol (with the exception of five) were called to the bar, and, after a suitable admonition from the chief judge, were informed that His Excellency the Governor had been graciously pleased to exert on their behalf the prerogative of pardon entrusted to him by the crown.

The Charter thus promulgated constituted the Supreme Court after the model prescribed in the

Judicature Act of 1824, to be holden by one chief judge and two assistant judges, the said chief judge to have rank and precedence above and beyond all persons within the colony and its dependencies, excepting the Governor or acting Governor for the time being, and excepting all such persons as by law or usage take place in England before the chief justice of the Court of King's Bench. The Court was appointed to have a seal, bearing an impression of the royal arms, the device surrounded by the inscription — 'The seal of the Supreme Court of Newfoundland.'

The chief judge and assistant judges, as long as they held their respective offices, were to receive the following salaries:—the chief judge a salary of 1,200*l.* sterling a year, and each of the assistant judges 700*l.* sterling annually. These salaries were to be paid out of the revenue of the colony, and were to be in lieu of all fees, but were not to be liable to deduction on account of official residences which might hereafter be provided.

Dependent on the Supreme Court were to be three circuit courts, the Central, the Southern, and the Northern; the chief judge to have the right of choosing over which circuit he would preside, and the senior assistant judge to have the choice next after him. Necessary officers for the several courts were to be appointed by the chief judge, with the approbation of the Governor, excepting the Master, Registrar, and Accountant-General, who were to be appointed by warrant under the sign-manual of the crown.

The Supreme Court was further empowered to

admit and enroll such persons as had been admitted barristers-at-law, or advocates in Great Britain or Ireland, or as had been admitted writers, attorneys, or solicitors in any of the courts at Westminster, Dublin, or Edinburgh, or as had been admitted as proctors in any ecclesiastical court in England, as well to act in the character of barristers and advocates as of proctors, attorneys, and solicitors in the Supreme Court of Newfoundland.

The Court was further authorised to admit as barristers &c. such persons as should serve a clerkship under articles in writing for the term of five years at least to any barrister &c. of the Supreme Court aforesaid. No other persons than those who came under the above category were to be allowed to plead, excepting there should not be a sufficient number of persons fulfilling the recited conditions, when the Court might admit others who seemed fit and proper persons to act under such rules and qualifications as the Court might lay down.

There are several other provisions of the Charter relating to the appointment of a sheriff, and the duties devolving on him, concerning the administration of property &c., and the power of appealing to the King's Privy Council against questionable decrees of the Supreme Court.

Such are the chief points of the Royal Charter of Justice for Newfoundland, in reference to which the King's direction was—‘We do hereby strictly charge and command all governors, magistrates, ministers, civil and military, and all our liege subjects

within and belonging to the said colony, that in the execution of the several powers, jurisdictions, and authorities hereby granted, made, given or created, they be aiding and assisting, and obedient in all things, as they will answer the contrary at their peril.'

With the inauguration of the Charter commenced the era of a more courtly display, in connection with the civil government of the colony. The Governor was commanded to appear on public occasions in the same uniform as that worn by the lords lieutenants of the English counties, only the body of the uniform to be blue, with lappets. The epaulettes and embroidery also to be the same as those of the lords lieutenants of counties. The full dress of the chief justice as superior civil officer was appointed by the King—a blue coat, but no epaulettes nor lappets, button-holes upon the cuff' and collar only, but the same pattern as worn by lords lieutenants.

The same kind of arrangement reached down to the lower officials, the chief magistrate being ordered to wear a blue coat, with red cuff's and collar, buttons with crown, and G. R. cockade on the side of the hat. Even the constables were not left out of these regulations. They were to wear blue coats and buttons, with the crown and G. R., a red waistcoat with the same buttons, and a cockade on the hat, and they were required always to have the insignia of office in their pocket.

This regard to State ceremonial was evinced, also, in

relation to the retinue of the Governor. For example, here is an order dated

Government House, October, 19 1825.

His Excellency the Governor was this day pleased to appoint Lieut.-Colonel W. Haly, Thomas H. Brooking, Esq., John Duncombe, Esq., and Newman W. Hoyles, Esq., to be his colonial aides-de-camp, the three last named gentlemen with the rank of Lieut.-Colonel of Militia.

It is evident from the Records that the taste of Sir Thomas Cochrane harmonised with the formal system of etiquette introduced under his auspices. This appears from a communication addressed by his direction to the Chamber of Commerce, in reference to the mode and times in which that body might communicate with him. Formerly the merchants seem to have had access to the Governor at all times as circumstances made needful. But this was to be altered.

With the view of expediting the public service (so writes the secretary), as well as of insuring due attention to the wishes of individuals, which a desultory mode of conducting business always interrupts, His Excellency is pleased to make the following arrangements, which he trusts will be found agreeable to the Chamber of Commerce. His Excellency will receive those who may wish an interview with him on Mondays and Fridays, between the hours of ten and twelve. Any persons desiring an interview at any other time will have a day appointed on making their wishes known to him. Should any circumstances prevent His Excellency from receiving persons on the day appointed, the union jack on the fort will be struck at that period.

If, however, Sir Thomas was inclined to magnify his office by concern for the little details which seemed to contribute to its dignity, the same disposition, turned

in another direction, brought forth fruits of which the benefit is still patent in the colony, especially in St. John's and its neighbourhood. One of these consisted in the improvements which he was the active agent to effect in the means of local communication between the capital and the surrounding district. One of the greatest disadvantages under which the settlements in a new country labour is the want of roads; and though Newfoundland had been inhabited for centuries—for a longer period indeed than any other British colony—yet in this respect the inhabitants were as ill off as if the land were newly occupied by them. For the general policy of the nation, until the present century was some way advanced, was to treat it as not forming a settlement at all, but simply a collection of fishing stations, for whose necessities there was required no other mode of communication than such as the water afforded. Very little had been done to rectify the condition of isolation in which the several communities were before Governor Cochrane's time. Such roads as were in existence had been made at the expense of the Government—an expense incurred not for the sake of road-making, but merely to employ the destitute poor.

His Excellency applied himself earnestly to effect an improvement in this matter. One branch of his endeavour was to amend the roads connecting the principal military posts in St. John's. These lines had been allowed to fall into such a deplorable condition, that on the attention of the Ordnance Board being called to them with a view to their being

repaired, that body was frightened at the cost which such a work would entail. The Governor, however, carried his point, and the ways by which the soldier had to travel from one fort to another were put into a comparatively good condition. But His Excellency's ideas and activities in this matter went beyond the boundaries of the capital. About ten or eleven miles from St. John's to the north-east lay the fishing village of Portugal Cove, on the eastern shore of Conception Bay. Immediately opposite, on the other side of the bay, at a distance of fifteen miles, was the flourishing town of Harbour Grace, the centre of a considerable population. If a good road could be made between St. John's and Portugal Cove, from which the bay might be crossed by regular boats, then the chief town would be brought into easy communication with a body of people which, with its own inhabitants, formed nearly half the dwellers on the island. This work the Governor undertook to carry out; and this he did with such efficiency and success that the road laid down under his supervision, and according to his plan, is still one of the best and the most used of any in the country.

Running along the shore to the northward of St. John's were several settlements of fishermen. The principal of these was situated at Torbay at a distance of about seven miles from the capital. Between these two points, there existed only a miserable apology for a road, which had probably been extemporised by the English soldiers, who had traversed the ground on their way to expel the French in 1762. Yet the

intervening country had many points of attraction, and partly from a desire to afford the means of a pleasant walk or drive, and still more to promote a work of public utility, the Governor caused a road to be laid out, which runs through one of the most interesting suburbs of the chief town, and now contains many pretty and productive farms.

To the westward of St. John's there winds a cheerful stream flowing from some distance in the interior of the country, until it loses itself in the harbour, at a place commonly called River Head. The course of this stream is along a beautiful valley, and it is crossed about three miles from the city by a bridge, which for a long period has borne the name of Waterford Bridge. Above this spot was a place to which, previous to Governor Cochrane's coming to the country, pic-nic parties had been wont to find their way over a rude track, invited by the beauty of the scenery. His Excellency, discerning the value of a good road here, not only as calculated to add to the comfort of the citizens and open the land for cultivation, but also because it would serve as a main trunk from which branches might lead off to the southern settlements, set about and succeeded in accomplishing the structure of a solid and commodious highway. This road now leads through a number of as productive farms, and as pleasant country residences as are to be found in any of the rural districts of the United Kingdom. In summer it is traversed daily by a great number and variety of vehicles, and in winter, when the thick snow lies gleaming on the

ground, it forms a course which is made merry by the rapid flight of numbers of sledges, causing the sharp air to be musical with the sound of their jingling bells.

Besides this attention to the roads in the neighbourhood of the capital, the Governor encouraged the most distant outposts to make provision for the same mode of intercommunication, and the stimulants he applied on this behalf were followed by a measure of success, the traces of which are abundant at the present day.

It is the subject of common remark from visitors to St. John's—how excellent the highways are by which they are taken to see the surrounding country—excellent as regards the judgment which fixed their line of direction—their comparative width and levelness—and above all, their smoothness and hardness, almost equal to the macadamised routes in England. Doubtless the last feature is attributable to the favourable character of the material used to keep them in repair, and which is found in great abundance in immediate contiguity to them. Still the roads themselves, as has been just remarked, are the objects of admiration to the stranger, and if he enquires closely into their origin, he will hear a tribute paid to Sir Thomas Cochrane for his wise and zealous interest in such unostentatious but useful matters, between thirty and forty years ago. Such tribute conveys to his memory a far more real honour than has been obtained by any of the persons who were loudest and most active in the political schemes

and demonstrations with which that self-same period was filled.

Another improvement on which the heart of His Excellency was set, which occupied him for some years, and which he saw brought to a completion, was the erection of a new Government House. The residence of the earliest governors of the country had been no other than the ship of war, of which they had the chief command. At a later period, a house in the garrison was appropriated to their use, which though neither extensive nor very commodious, yet sufficed for all practical purposes, when it was needed only to serve as a residence for its occupant for three or four summer months of the year. But when the Governor became a fixed resident during his term of office, the accommodation which had seemed sufficient in other days was considered inadequate. Besides, the house appropriated to his use was falling into decay, needed continual repairs, and at length could scarcely be made to keep out the wind and rain and snow.

The task of making provision to meet the want thence arising devolved on Sir Thomas Cochrane, who was furnished with liberal means by the authorities at home. The building which was erected under his auspices is of large dimensions, and its interior is commodiously laid out. Its cost, however, was enormous, it being formed of cut stone brought from beyond the sea. It is said that neither in its exterior ornaments, nor in its internal accommodations does it present an adequate return for the ex-

pence incurred on it.\* Perhaps the great cause of complaint against it arises not so much from any defect in itself, as from the circumstances which have grown up since its erection. It would require a princely income to keep up a state in accordance with its capacities; and as the modern system introduced into the colony has considerably diminished the income awarded to the Governor, he is in the position of occupying a house larger than is needed by one who wishes to keep his expenditure within the limits of the official salary which he receives.

Still the building is not unworthy of the purpose for which it was provided, and with its frontage of a thick and variously wooded shrubbery, and this looking down a spacious sloping street, 90 feet wide (also laid out by Sir Thomas Cochrane, and called by his name), leading down to the harbour, serves to enhance the estimate entertained of a man who did so much to promote the embellishment of the city and the convenience of the community.

One other work of this Governor of the same order deserves mention in this connection. About three miles to the north of St. John's lies a very picturesque lake embosomed in the woods; on its north-eastern side there is a little peninsula projecting into the

\* The original estimate presented to Parliament is 8,700*l.* It was afterwards increased by an extra grant of upwards of 2,000*l.* Again, before it was finished, a further estimate of additional funds required was laid before the ministry to the amount of 8,500*l.* In the House of Commons, July 25, 1831, Mr. Spring Rice stated that the total cost, exclusive of stores sent from England, had reached the sum of upwards of 30,000*l.*

water. On this his Excellency, having a better opinion of the agricultural properties of the country than any of his predecessors, and wishing to give encouragement to farming by his own example, built an ornamental cottage as a summer residence, close to which he planted several varieties of trees, not indigenous to the soil, but which proved well adapted to its qualities. Through the forest separating the lake from the immediate neighbourhood of St. John's, is cut a winding avenue which follows very much the channel of a brawling stream, and then bends round the lake to the cottage. All this was done out of the private resources of the proprietor, consequently, when his term of office expired, the property was sold; but still Virginia Lake and Virginia Cottage remain among the most attractive spots shown to the stranger visiting St. John's.

In the year 1827 an event rather important to the Church of England in the colony took place. This was a visit from the Bishop of Nova Scotia, whose diocese embraced the island of Newfoundland, in which his lordship held the rank of a member of His Majesty's Council. It was the first occasion of a Protestant bishop making an official visitation to the country. The churches were consequently unconsecrated, and the rite of confirmation had never been administered by episcopal hands. The Bishop had intended to visit his flock in this part of his diocese, during the summer of 1826, but owing to the delay in the arrival at Halifax of the ship which Rear-Admiral Lake had appointed for the voyage, the season so far

advanced as to render it necessary to postpone the execution of his design until the following year.

His lordship arrived in St. John's in May 1827, and shortly afterwards he was presented with a petition from the Archdeacon of Newfoundland,\* the minister, churchwardens, and other inhabitants of St. John's, praying that the church might by a solemn act of consecration be set apart for ever from all profane uses, and dedicated to the service and worship of Almighty God. On June 3 this ceremony was performed, the edifice being consecrated, and called by the name of St. John. Thence the prelate proceeded to the several harbours northward and southward, taking observations of their condition, as well as performing the functions of his sacred office. The results of his mission, and the views suggested by it, are thus set forth by his lordship in a letter to the Governor. After acknowledging the kind assistance which he had received from His Excellency, during his stay in the island, he says:—

I have been enabled to visit all the principal settlements in the extensive bays of Placentia, Conception, Trinity, and Bona Vista, besides attending to the wants of Ferryland, Petty Harbour, St. John's, Torbay, Toulouquet, and the Exploits River. In the course of this extensive tour, eighteen churches and twenty burial grounds have been consecrated. The rite of confirmation was administered twenty-seven times, and 2,365 persons were partakers of it.

Although there was much to gratify me in these, to which

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\* This functionary had been appointed with archdeacons for Nova Scotia and New Brunswick, by royal letters patent dated May 26, 1826.

the labours of the few clergy on the island have been devoted, and a commendable anxiety to share in such benefits even among the most remote and neglected settlements, it was impossible to be unmoved by the deplorable insufficiency of religious instruction in large portions of the island.

. . . . I cannot conclude this subject without requesting your Excellency's kind attention to the obvious want of one classical school in Newfoundland, which ought to be established at St. John's. It is quite deplorable that many children of the most respectable inhabitants should be sent for their instruction across the ocean, and, what is still more to be lamented, to the United States of America.

. . . . Earnestly requesting a continuance of your Excellency's powerful support and encouragement, &c.

(Signed) JOHN NOVA SCOTIA.

The Governor had done his utmost to further the writer in the course of his visitation, and to promote the great objects which the prelate had at heart, and this not only from the desire which as a member of the Church of England he naturally felt for the extension of her influence, but from the patriotic wish to promote the intellectual and moral well-being of the island. His wise and liberal sentiments on this matter are thus expressed in a letter of his private secretary, sent to Mr. Cozens, magistrate at Brigus, (who was a non-conformist) urging that gentleman to pay all attention to the Bishop.

His Excellency is aware that you are dissentient from the Established Church in some of its tenets; but as the general moral improvement of the people is the desire of every denomination of Christians, His Excellency feels assured that you will promote this laudable pursuit, both by your example and influence, and confidently trusts that this soli-

citude on the part of the Bishop for the spiritual welfare of the inhabitants of the north shore of Conception Bay will be conducive to their general and particular interests, by uniting all classes in a social bond of harmony and good feeling.

The most obtrusive feature characterising the period during which Governor Cochrane administered the affairs of the colony, was the increasing breadth and intensity with which was manifested the desire for a local legislature. The agitation on behalf of this object, which at first was sectional and limited in extent, gradually enlarged its dimensions, until it became obvious that it expressed the feelings of a large majority of the people, a majority which was not confined to the labouring classes, but embraced numbers of the more wealthy inhabitants both of St. John's and the out-ports, a growing concurrence in the views entertained in the matter, which may partly be accounted for from the fact that the revenue of the colony was becoming considerable, and they from whom it was drawn naturally wished to have a voice in the disposal of it. Meetings were held to promote this object, and memorials and petitions were transmitted to the Secretary of State and to the Houses of Parliament, significant of the general desire that institutions for self-government should be granted to 'this portion of His Majesty's loyal subjects.'

In the year 1828 a letter was published in London by 'P. Morris, an inhabitant of the colony of Newfoundland.' It was addressed to 'The Right Honourable W. Huskisson, Esq.,' and was entitled 'Arguments to prove the policy and necessity of granting to

Newfoundland a constitutional government.' The letter displayed considerable ability on the part of the writer, especially that kind of ability so important to a controversialist, which consists in exposing to ridicule the views of an opponent; and the plea which is put forth in it vindicating the right of the colonists to share in their own government, and urging their fitness for the exercise of such a right, is, bating some exaggerations as to the advance they had made in physical and social civilization, well sustained.

The writer, in the first paragraph of his epistle, expresses his trust that he ' shall be able to prove that the same constitutional privileges which have been bestowed on the neighbouring colonies can alone render available to the mother country the great internal resources of this the oldest and most valuable of the British possessions in North America, the first fruits of the naval enterprise of England, and the greatest nursery for seamen in the world, and which can alone save her from falling at no distant period a victim at the feet of the young and aspiring Republic of America.'

One of the most interesting portions of the letter is the evidence which it furnishes that while the people of Newfoundland were desirous to remove further from the isolated condition in which their progenitors had been placed, there were persons in England who openly advocated a return to the old system, which for so long had made the colony an anomaly as compared with the other dependencies of Britain. The writer of the letter calls the attention of the Secretary of State

to a pamphlet lately published at Poole, and freely circulated by persons interested in the Newfoundland trade, throughout the principal towns of the United Kingdom. The pamphlet was entitled, ‘A View of the Rise, Progress, and Present State of the Newfoundland Fishery,’ and was dedicated to Benjamin Lester Lester, Esq., M.P.

The object of this *enlarged view* (says Mr. Morris), whatever might be the real intention of the writer, is to impress on His Majesty’s Government:—

First. That the new form of government, lately established under Sir Thomas Cochrane, is on too extensive a *scale*. The vice-regal court, with the splendour of sovereign authority, are highly objectionable; that the house now building for the use of the Governor is on too magnificent a plan, and that the old system of an Admiral-Governor was much *less expensive*; that while he maintained with becoming dignity the honourable station in which he was placed, he still avoided all unnecessary display, as being inconsistent with the government of a fishing town.

Secondly. That the present administration of justice, under a chief-justice, and other duly qualified judges and law officers, is equally objectionable; that the summary justice of the naval surrogates would be best adapted for a fishery, and certainly less expensive.

Thirdly. That the agricultural improvement of Newfoundland is a wild chimera; that cultivation to any important profitable extent is opposed by natural obstacles which are insurmountable; a thickly wooded country and a scanty soil—everywhere encumbered with huge rocks, that would never repay the enormous labour and expense of clearing—and a climate uncongenial for the production of the fruits of the earth.

Of the value of the above representations of the beauty, or at least the suitableness of the old New-

foundland system, both in the administration of government and the dispensing of justice, the reader who has so far perused the present work can form his own judgment, which is not likely to be in favour of the picture. He has also seen evidence that in the opinion of the people most concerned, the soil of the country was not considered absolutely barren. But a quotation may be fitly introduced here from Mr. Morris's letter in reference to the comparative expense &c. between the old system and the new.

He says:—

With respect to the first objection, the expense of the government, I hope to be able to prove that the former government, if it could be called by such a name, was much more expensive than the present. The *Admiral-Governor* was allowed a salary as governor, pay as admiral and commander-in-chief on the station, allowances for his table, servants, with other followers (not speaking of the great patronage he had of promoting his friends and retainers to all vacancies in the fleet), which amounted to about 3,800*l.* or 4,000*l.* per annum. What were his services for these great allowances? Why, he came to Newfoundland in the month of July or August, sometimes in September, and left on October 25; so that I may safely say these governors, on an average, were not more than four months in the year at the seat of their government, for which they were paid at the rate of from 11,000*l.* to 12,000*l.* per annum.

Our present Governor is allowed, I understand, about 4,000*l.* per year,\* out of which he has to support the splendour of ‘vice-regal authority,’ a large retinue of servants, entertain the principal inhabitants of Newfoundland at his table, and all strangers who visit the seat of his

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\* It was only 3,000*l.* Vide Report of the House of Commons, 1828.

government, to subscribe to all public charities and institutions. A great part of his income is expended in the country, so that if the author of this pamphlet only just takes an enlarged view of the subject, he will find that he was egregiously in error in supposing that his favourite *Admiral-Governor* was a *cheaper governor*, for it appears that the matter of pounds, shillings, and pence, is his only criterion of judgment. If a comparison be made between the relative systems, the difference will appear more striking; our present Governor has been, since his arrival, improving the condition of the country and the people; and . . . I maintain that he has done more real good to the colony, since his appointment, than all his predecessors put together.

He has, as far as his limited authority permitted him, given every encouragement to the cultivation of the *soil*, and has himself shown the example; he has encouraged every measure calculated to promote the internal resources of the country; he has made roads, some of them at his own expense; he has been the patron of education for the poor and the rich; and he had scarcely landed on our shores when he recommended the establishment of a university for the education of our respectable youth, to prevent the necessity of sending them to the United States and other parts; in short, he has felt a sympathy for the country and the people beyond what was ever felt by his predecessors, and the country feels grateful to him for it.

The writer of this letter goes on to answer certain specific objections which had been urged against the establishment of a representative government in Newfoundland, such as, that the country was not ripe for it, that it could not raise a sufficient revenue to pay the charges of a constitutional government, that such a government is only suited to a stationary agricultural population and not to a fishery, that if such a government were established in Newfoundland it would fall

under the influence of the mercantile body, and that colonial assemblies have been found troublesome and inconvenient, in consequence of the great differences which have arisen between the assemblies and the governors.

After disposing of these objections, the writer fortifies his appeal by reference to the opinions, not only of persons who at different periods had made themselves personally acquainted with the condition and wants of the colony, but also of British statesmen, Fox, Lord Holland, Mackintosh and Russell, quoting from the last-named the eloquent words, ‘ Half a century of freedom within the circuit of a few miles of rock, brings to perfection more of the greatest qualities of our nature, displays more fully the capacity of man, exhibits more examples of heroism and magnanimity, and emits more of the divine light of poetry and philosophy, than thousands of years and millions of people collected in the greatest empires in the world can ever accomplish under the eclipse of despotism.’

So much space has been given to the letter of Mr. Morris, because it was one of the ablest, and probably the most effectual representations of the wishes and feelings of the majority of the colonists, which came before the ministers and legislators with whom it rested to grant or refuse the prayer in support of which such representations were made.

Meantime, the Governor was made to feel the increasing current of public opinion, running in the same direction within the colony. The force of that

current was temporarily augmented by the accession of a collateral stream of feeling, arising out of the great measure of the British Parliament in 1829.

Nearly three-fourths of the population in St. John's were Roman Catholics, and these to a man were all on the side of obtaining a local legislature; the minority which was opposed to that measure being confined entirely to the Protestants. When the news arrived of the passing of the bill granting Catholic Emancipation, the intelligence was greeted with great exultation by the larger body, a feeling which was changed into bitterness when it was whispered that the provisions of the bill did not apply to Newfoundland. On this subject, a general meeting of the Roman Catholic inhabitants of the town of St. John's was held in their chapel on December 17, 1829, for the purpose of 'expressing their surprise and indignation at hearing that it was the opinion of the law authorities of the country that the Act for the relief of His Majesty's Roman Catholic subjects did not apply to Newfoundland.' The meeting also forwarded a request to the Governor to be informed 'whether the Act alluded to does or does not apply to His Majesty's Roman Catholic subjects on this island?'

In answer to this appeal, His Excellency, through his secretary, expressed his extreme regret that it had been deemed necessary to call a meeting for the purpose above specified:—

A course of proceeding calculated to disturb that harmony which has so long and happily subsisted between all religious persuasions in this community, by exciting in the

minds of the ignorant and unwary, an apprehension that His Majesty's Government was disposed unduly to withhold from them immunities and advantages to which they were lawfully entitled—a suspicion to which it has by no act on its part been justly exposed; for His Excellency is fully persuaded that since his assumption of this government, the public officers attached to it have never, in the performance of their duties towards its inhabitants, in any shape adverted to their religious tenets, nor permitted their conduct to be influenced by the variation in their creeds; and His Excellency feels he may with confidence leave it to the Roman Catholics themselves to say how far His Excellency's disposition has been to promote their wishes and views whenever their particular interests have come before him.

I am now (continued the secretary) commanded by His Excellency to acquaint you, that in consequence of having received from the whole of the law officers of this government an opinion (formed after mature deliberation, and an anxious desire to bend it to the expectations of His Majesty's Roman Catholic subjects), that the Act of the 10th Geo. IV. cap. 7, does no more apply to His Majesty's colonial possessions than those penal statutes it is intended to repeal; and that the relief it affords to His Majesty's Roman Catholic subjects in Great Britain and Ireland must in the colonies emanate from his royal will. His Excellency has transmitted that opinion to the Secretary of State for the colonies, to be laid before His Majesty, and His Excellency has every hope that an early communication will enable His Excellency to declare that His Majesty has been graciously pleased to extend to his subjects here those privileges enjoyed by their fellow-subjects in the United Kingdom.

In answer to the Governor's representations on this subject, he was speedily informed by the Secretary of State that steps would be immediately taken for extending to the Roman Catholics in Newfoundland, by royal instruction, the provisions of the late Act for

the relief of the King's Roman Catholic subjects in the United Kingdom.

At a later period, the President of the Council, administering the affairs of the Government (Sir Thomas Cochrane being in England), received a despatch containing the following information on the subject:—

I have the satisfaction to acquaint you . . . that the important subject to which you have called my attention has not been lost sight of, and that His Majesty's Roman Catholic subjects, resident in Newfoundland, have been relieved in the Governor's new commission under the great seal from all the civil disabilities to which they were previously subject.

I have the honour, &c.,

(Signed)

GODERICH.

As the movement on behalf of representative institutions became more general in the colony, the probabilities of its success increased. On July 25 1831, the subject was indirectly introduced in the House of Commons, in a discussion on the civil estimate proposed for Newfoundland. Mr. Robinson objected to the vote, alleging that he was instructed by the inhabitants to say that if a local legislature were granted to them, which they were equally entitled to with the other American colonies, they would never ask that House for another farthing. Lord Howick, in reply, expressed the conviction of the Government that the time had come for such a boon to be granted, and justified the delay in

conceding it by the consideration which it was necessary should be given to a measure of such great importance.

Encouraged by such a recognition of the justice of their demands, the citizens of St. John's and the people of the outports gave themselves the more earnestly to the work of agitation to obtain their speedy fulfillment. Meetings were held in which persons of all classes combined,—mercantile and professional men, Catholics and Protestants, being the chief speakers,—to send petitions to the King and Parliament, urging ‘the great importance and absolute necessity of obtaining a legislature for this island.’ The petition to the King was intrusted to the Governor, who was waited on by a deputation soliciting him to give it his support. The memorials to Parliament were forwarded for presentation to Lord Holland for the House of Lords, and to Mr. Robinson for the Commons.

These memorials arrived in England at a time when the whole of the United Kingdom was passing through the throes of a political crisis, which might have seemed sufficient so to absorb the attention both of the Cabinet and the Parliament, as to prevent them giving heed to a cry issuing from a distant and comparatively unknown colony. It was the period when the Reform agitation was at its height; when a Bill to amend the representation had been carried in the House of Commons and lost in the Peers; when Lord Grey’s ministry had resigned, and, after a vain attempt to form a Tory administration, had been reinstated,

to carry out, sustained by a wrathful nation, what appeared still an almost desperate task. But the voice from Newfoundland happened to be in harmony with the broader, louder clamour which was heard in the home country as demanding the same kind of boon. There was no need to present the petitions. In a letter dated January 25, 1832, Mr. Brooking, chairman of the Committee formed in Newfoundland, writing from London to Mr. W. Thomas, Deputy Chairman, informed the Committee that the end of their labours was on the eve of being successfully arrived at. The letter stated that the writer had that day received an assurance from 'Viscount Goderich of the intention of His Majesty to confer upon the island of Newfoundland a representative Government similar to that of Nova Scotia and New Brunswick. Thus, in the words of Mr. Robinson, the necessity for presenting the petitions was superseded by this spontaneous grant on the part of the crown. In addition to this concession of a legislative assembly to the colony, a more material boon was to be conferred. All the crown lands were in future to be sold outright, and the freehold realised to the best advantage, the proceeds to be appropriated in the formation of roads and bridges in those districts where purchases were made.

Some little delay occurred in filling up the new commission to the Governor, empowering him to call together a house of assembly, arising from the difficulty in fixing the number of members of which

that body should be composed. But on June 7, Lord Howick brought the subject before the House of Commons. He said that the second motion of which he had given notice, was for leave to bring in a Bill to transfer the application of the revenues of Newfoundland to a legislative body, to be created there by a commission issued by His Majesty, the papers relating to which had been laid on the table of the House. By that commission, a legislative assembly, similar to those in the other North American colonies, had been given to Newfoundland. One object of the Bill which he asked leave to bring in was to transfer, as he had said, the application of the revenues of the colony to the new legislature, with the exception of a small civil list for the salary of the Governor, Secretary, and the judicial and law officers. Another object was to continue certain Acts relating to the internal affairs of the colony (which would expire at the end of this year) until the new legislature should otherwise provide respecting them. Another object of the Bill was to continue the fishery Acts in force for two years from the present time.

The House afterwards went into Committee on the Newfoundland Acts, a resolution was agreed to, and, the House having resumed, the report was ordered to be received next day.

On Saturday, August 26, Sir Thomas John Cochrane arrived at St. John's. The Gazette in notifying the fact said, 'His return to his Government may be regarded as the commencement of a new era in the history of the colony; and we devoutly hope that

the new constitution which we have received may, to use the words of a late distinguished statesman, *work well.*'

His Excellency came provided with full instructions to direct him in the altered position of affairs; and also with a proclamation under the King's sign-manual, authorising him to summon a general assembly. The latter instrument he caused to be immediately published for the information of the inhabitants of the colony.

The proclamation declared that the island was divided into nine electoral districts, each of which was to have one or more representatives according to its population, the whole number of members to be fifteen. The right of voting was conferred on every man who for one year next immediately preceding the day of election had occupied a dwelling-house within the island, either as owner or tenant. If the person fulfilling this condition lived at a distance of more than fifteen miles from the nearest voting-place, he might exercise his right to the franchise by a written notice subscribed by him in the presence of two witnesses, and duly attested by their signatures. The assembly when elected was to continue only during the royal pleasure, and was not to proceed to the despatch of any business unless six members at the least were present through all the deliberations thereupon.

The instructions to the Governor, accompanying his commission, besides empowering him to convoke a general assembly, also directed him to call together the following persons appointed to be members of

His Majesty's Council in the island, viz. the chief justice for the time being, the officer in command of the land forces for the time being, the attorney-general for the time being, the colonial secretary for the time being, the collector or other chief officer of the Customs for the time being, and William Haly, Esq. ‘With all due and usual solemnity’ the Governor was to cause his commission to ‘be read and published before the Council, and to administer to each of the members thereof the oaths therein required.’ He was also to communicate to the said Council such of the instructions wherein their advice and consent were mentioned to be requisite, and to permit the members to have and enjoy freedom of debate, and vote in all affairs of public concern submitted to their consideration in council.

The elections for the House of Assembly were appointed to take place between September 25 and December 8. They appear to have been conducted in peace and good order, no very manifest root of bitterness having as yet sprung up, or, at least, none having grown to such dimensions as seriously to impair the harmony with which the majority of all classes had combined to procure the constitutional privilege, the exercise of which was thus for the first time enjoyed. In the report of the election for the district of St. John's, which appears in the Gazette, there occurs what seems a singularity to the English reader, viz. that while there were only four candidates on the first day of polling, on the second they had increased to nine.

The first session of the legislature under the new constitution was opened on the first day of January 1833.

His Excellency the Governor left Government House a little before two o'clock, attended by some of the principal military officers and by his staff, and proceeded to the Court House, at the doors of which he was received by a guard of honour, and was saluted with nineteen guns from the fort. Having been conducted to the door of the High Sheriff's house, His Excellency was received by the High Sheriff and the Sergeant-at-Arms to the council, who led the way to the throne, &c. . . .

The above paragraph is from the newspaper report of the proceedings. The speech of the Governor dwelt at considerable length on the new era which had arisen in the political condition of the island, and the new responsibilities imposed thereby, concluding with the following declaration of His Excellency's own sentiments:—

The experience of the past will afford the best criterion by which to judge of my wishes and feelings towards those you are here to represent. Uninfluenced by any local prejudices, and without a single personal desire to gratify, I can have but one object before me—their happiness and prosperity; and I assure you, gentlemen, from the bottom of my heart, that it will be my most anxious and increasing endeavour to cooperate with you in every measure that can best attain those objects, for which the privileges now about to be enjoyed have been solicited by the people, and graciously conceded to them by their sovereign.

It does not come within the province of this work to enter into the details of the proceedings of this or any succeeding assembly, excepting in matters more especially deserving of notice. Of these, two occurred

in the first session of the legislature. One consisted in an important disagreement between the assembly and the council. The former had initiated a Revenue Bill, when to general surprise, though such a power had been put forward in the British Parliament, as one chiefly intended in the grant of the constitution, the President of the Council denied the right of the other House to pass such a measure, and declared that if it were passed by both Houses, and should afterwards come before him in his capacity of chief justice, he would treat it as a dead letter. This announcement certainly brought any legislation on the subject to a dead stop, until the Home Government had been heard from, either sustaining or repudiating these views. The latter was the result of the appeal; and partly in consequence, Chief Justice Tucker resigned his offices and retired from the colony.

Another subject of more real and durable importance, on which action was taken in the first session, was the state of the law as to marriages. It has been remarked in a former chapter, how unsatisfactory for a long period were the regulations and the practice relative to such an important element in the social life of a community. In the year 1817, a law was received in the colony, which greatly restricted the right to celebrate marriage, almost confining it to the clergy of the established church, under the same rules as to the publication of banns &c., as were in use in the United Kingdom. This restriction proving to be attended with grave inconveniences, necessitating in many cases its being disregarded, and illegal unions

formed, a relaxation in the law was made in 1825, by which other parties, not ministers of the establishment, might be licensed to perform the ceremony outside a certain distance from the residence of any clergyman.

But even under this more liberal regulation, the community of Newfoundland was so scattered with settlements beyond the reach of clerical and magisterial supervision, that there were many families, the parents of which had not complied with the legal requirements on being joined in wedlock, and consequently the children had but a very doubtful legitimacy. To amend this evil state of things, and to prevent its recurrence for the future, the assembly passed 'an Act to repeal the laws now in force concerning the celebration of marriages in this island.' This statute rendered valid all marriages formed in Newfoundland within a certain period, and it conferred on all resident ministers of any denomination of Christians the right to celebrate marriages. It was further made eligible to the Governor to confer by license the same power on teachers, preachers, magistrates, and laymen, so as to meet the peculiar wants of the country.

The latter years of Sir Thomas Cochrane's rule in the colony formed a period of constantly increasing trouble. He was made to see an utter change in the dispositions and conduct of the people under his government, and to feel that change in the sentiments manifested towards himself.

It might perhaps have been foreseen that a constitution which called into existence a legislature in

which one branch, representing the people, had the somewhat barren privilege of discussing and passing measures and voting monies, whilst the other was constituted of the nominees of the crown, who exercised all executive functions, and held the principal offices of emolument among themselves,—that such a constitution could not work harmoniously very long. But the disharmony bringing with it other and more fatal signs of disunion, developed more rapidly than ordinary observers could have anticipated. The first evidence of it was given even before the elections were held.

One of the candidates of St. John's was Mr. John Kent. He was then a young man, but has since grown grey, as the most prominent politician in the colony, and for a period, under the recent constitution of what is called responsible government, has held the post of Premier.

That gentleman, in his address to the electors, dated September 4, 1832, plainly indicated that the late grant of a local Parliament would be used as an instrument to wring further concessions from the Imperial authorities. He said:—

Our constitution has, as yet, only half developed itself; but in that partial developement, a sufficient evidence is given of the desire of power to hedge round its prerogative with a force ductile to its will, but irresponsible to the people. In a council nominated by the Governor, composed of those holding offices under Government, or expectants for place, and in which the leading interests of the country are unrepresented, oligarchical principles must prevail. The task of prostrating those principles, or of so modifying them as to make them useful, now devolves on the people. . . .

Your extensive franchise, amounting almost to universal suffrage, will enable you to do this.

This address announced to those who were disposed to be satisfied with the boon already gained, and who looked for a cessation of political intrigues and clamour, that there was before them another era of agitation, which was likely to be the more intense, as the object to be gained by it appealed more directly to the feelings of self-interest and the love of power.

But there were also the symptoms of the rising of still worse elements of discord, even those flowing from the bitter fountains of religious and sectarian divisions. Up to this period, for many years the two bodies of Protestants and Roman Catholics had lived together in mutual amity and good will, none having laboured more earnestly and successfully to promote such a state of feeling than Bishops O'Donnell, Lambert, and Scallan, prelates of the Roman Catholic church. All parties, irrespective of religious distinctions, had combined in the endeavour to obtain the grant of a local legislature.\* But this boon being

\* There was, it appears, however, one exception to this combination of feeling. In a letter of Dr. Fleming, the Roman Catholic bishop, addressed in 1837 to Lord Glenelg, the following passage occurs : ' Although a general anxiety was felt throughout the colony among all classes for the success of their petition to the crown for the establishment of a house of assembly, and the attainment of that object was almost unanimously looked forward to as the best means of redressing their local grievances, *I as an individual did not participate in that feeling* : for I foresaw that in a population composed for the most part of adventurers, of persons struggling from poverty to wealth, much envy

obtained, they were soon to fall apart. Mr. Kent was a Roman Catholic, but there were many even of his own persuasion who thought that in choosing a representative the preference should be given to others whose age, long residence in the country, or connection with the trade, marked them out for such a position. This view was advocated by the editor of the ‘Public Ledger,’ who, though not a Catholic, had been an advocate for the late measure of local government, also for Catholic emancipation — his favourable interest in the latter subject having drawn forth the special thanks of the Roman Catholics of St. John’s. His journal was opposed to the election of Mr. Kent — that opposition being founded professedly on the unfitness of the candidate, when compared with other men in the community, for the arduous and responsible duties of the office to which he aspired: and also on an address in which that gentleman had said that he was backed by a party sufficiently powerful to carry him into the House, whatever his qualifications were. Commenting on this announcement, the editor of the ‘Ledger’ said, ‘Upon what *influence*, let it be enquired, does Mr. Kent depend for such an outrage upon common decency? Sure we are that the Right Reverend Bishop of the church of which Mr. Kent is a member will not tolerate such conduct.’

In making this assertion, however, the editor was

and ill-will would be engendered on the part of the less fortunate against those who with wealth acquired legislative power and distinction.’

under a mistake, as was soon made manifest by a communication published by the prelate, denouncing the ‘Public Ledger,’ and proclaiming Mr. Kent to be the *protégé* of the church. This brought forth a strong article in the censured journal in the form of a letter headed ‘To the Right Reverend Dr. Fleming, Roman Catholic Bishop.’ In that letter, the act of ostentatious clerical interference was boldly assailed, and the writer concluded with these words:—

SIR,—You had better retire from the contest; and if you wish to be any longer respected among us, instantly publish your recantation. You are not beyond the influence of the press, which has only *begun* to deal with you. In your collision with it, take care you do not overrate your own strength.

The same day in which this defiance appeared, a public meeting of the Roman Catholics of St. John’s was held in the chapel, at which two resolutions were passed, one of which presented to the Right Reverend Dr. Fleming an expression of the unabated veneration and respect of those assembled for his many virtues. The other denounced the disgraceful conduct of Mr. Winton of the ‘Public Ledger,’ and declared his insulting attack on religion and the venerated prelate to be as infamous as it was degrading to himself and his journal.

More space has been given to this affair than it may be considered by some to have deserved. But in a work professing to narrate the introduction of influences affecting the character and the action of the people of Newfoundland, the seemingly trivial

facts noted above could not, with fidelity to the object in view, be left out. They constituted the commencement of a train of events and operations which radically altered the mutual relations subsisting between the two great classes or sects into which society was divided. The die was cast. Thenceforward the names Catholic and Protestant were to be adopted as political war-cries, arraying the citizens against each other as they belonged to one or the other communion, and branding as traitor and apostate the individual in one denomination who should show practical sympathy with the political views held by the majority in the other. And beyond the arena of political warfare, the same deleterious influence was at work, producing domestic discord, social *espionage*, and more than once startling the public ear by the recital of dreadful crimes. It is not for the writer to point out the culpable originators of this change for the worse; but the occasions out of which the change first manifested itself he could not avoid setting down, as he may also be obliged to give an account of some of its darker products, leaving it to his readers to draw from the facts the best conclusion they are able, as to those on whom the blame of commencing this unhappy social revolution should be fixed.

Marvellous was the rapidity with which the disease spread, with a growing virulence and offensiveness in its symptoms. It has been said that the first general election passed over in comparative good order, for then the poison of sectarian animosity had not had time to propagate itself through the whole community.

But soon afterwards this baneful result was accomplished. Politics waxed more fierce and unscrupulous in its manifestoes from the press — polities became a strong ingredient infused into the homilies delivered from the altar — politics placarded the walls with vituperative attacks — politics embittered the intercourse of the streets — and politics, summoning as its auxiliary an appeal to class interests, to religious preferences, to selfish desires and hopes, and to not less selfish fears, made a dreary chapter of years to pass over Newfoundland — a chapter which all good men and honest patriots in the island are longing to see closed.

The Governor's position, in consequence of this rank and sudden growth of party and religious animosities, soon became a very painful one.

Previously it may have had its disagreeables, subjecting him to the complaints of individuals who could urge their particular grievances; but such complaints were more than counterbalanced by the generally favourable appreciation of his conduct and his services towards the public at large. But when society was arrayed in two antagonistic classes whose thoughts were principally intent on the battle in which they were engaged, His Excellency could not be looked upon as holding neutral ground. He was in the position of one between two imperious masters, exposed to the charge of holding to the one and despising the other. And as by his official *status* it was natural to him, as it was his duty, to stand in his official conduct by the established system which he was sworn to uphold, rather than countenance the

friends of innovation, he came to be regarded by that body which called itself the Liberal party as its enemy, and consequently a fit object for its accusations and reproach. Though so late as the spring of 1832, the leader of that party, Mr. P. Morris, at a public dinner at which were present the representatives of all sects and classes in St. John's, in proposing the health of the Governor, could speak of him amidst enthusiastic applause in the following eulogistic terms: --

His Excellency Sir Thomas Cochrane is now at the seat of Government, and it is devoutly to be hoped that he will return to this country armed with such powers as are necessary to set the political machine in constitutional motion. . . . He has done great service to this country—more than all his predecessors put together; he has expended large sums in affording employment to the people. It is to be hoped he may return with constitutional power to complete the good work he has commenced. It would be much to be lamented that any other should deprive him of that merit to which he is so justly entitled.\*

Though these sentiments were deemed fit to set

\* At the same festival at which the words quoted in the text were spoken, the Roman Catholic bishop Fleming is reported to have used the following language:—‘Should I, in this enlightened period of mankind, meet with a bigot of any denomination, whether clergyman or layman, the best remedy I would prescribe to heal so odious a disease would be to invite him to St. John’s, and point out to him its thousands of wealthy and enlightened inhabitants, forgetting all distinctions of party and of creed, but agreeing in that one precept which is the life, the soul of religion, “Love one another,” and never contending unless for the mastery in benevolence and mutual affection. Should this effect no change, I would introduce him to the cheering and animating spectacle which this room exhibits, and show

forth his character and conduct, at the end of six years' rule over the colony, on the eve of the reception of the local constitution of government — yet in less than two years after the introduction of that measure, Sir Thomas had become so obnoxious to the party of which the speaker above quoted was one of the chiefs, that he was assailed by daily clamour and abuse, and had to vindicate his character in the court of justice, against a libellous attack made on him by the press.

But it was not only in the colony that the Governor was made unpleasantly to feel the change which had come over the sentiments of a large portion of the community towards himself. The party whose ire had been recently aroused against him, found the means by which to forward their alleged grievances to the home government, a course which was pursued with such reiteration and persistency, that the Ministry began to find Newfoundland with its local legislature a more troublesome appendage, than it had been before the grant of that coveted institution. So incessant and multiplied were the accounts given of the disharmony between the executive and the body calling itself the people, whose views were expounded by a considerable portion of the House of Assembly, that it appears to have been concluded that some

him a Catholic bishop, a respectable and pious clergyman of the Church of Scotland, and a liberal and enlightened clergyman of the Church of England, with hands united, aye, and hearts too, dwelling together in a unity of virtue and of love. . . . . I cannot sit down, without taking this public opportunity of paying the tribute of my thanks, to the Protestants of St. John's.'

sacrifice must be offered to appease the rage of the disaffected—and the Governor was selected as the scapegoat, in the hope, probably, that his successor would find it easier to glide smoothly along his proper groove in a political machine, which in the course of eighteen months' experience ought to have got into something like useful and orderly working gear. Accordingly, towards the close of the summer of 1834, Sir Thomas John Cochrane was quietly superseded, on very little previous notice, by Captain Prescott, who had been appointed to fill his place.

Whatever may have been the faults of the removed Governor—and it is difficult now to discover them—however he may have been wanting in adaptation to the new system of government—and he seems to have acted honestly towards it—the conduct evinced by one class of people in St. John's, on the occasion of his departure, was such that it cannot be looked back upon by Newfoundlanders of to-day without feelings of indignation and shame. Unmindful of the services which, during a long period, he had rendered to the community, oblivious of the improvement which he had effected, then patent on all sides, and still associated with his name, as also of the encomiums passed on His Excellency by the popular leaders but two years before, the populace of St. John's assailed him and his daughter with hootings, maledictions, and threats, and even pelted them with filth as they passed from the official residence to the wharf at which they were to embark.

It should be said, however, that it was only the

rabble and their political agitators that are fairly amenable to the charge of such conduct. The respectable societies in the capital and in the outports forwarded addresses, testifying to the many benefits which the country had received under the administration of His Excellency. And six out of the seven newspapers published in the island, not only held themselves aloof from the insulting clamour raised against him, but most of them commenting on his removal, deplored the event as the departure of a man whose absence would be felt as a public loss.

Some years later a stronger testimony was given on the same side. There are persons living now, who can remember how the Roman Catholic Bishop, Dr. Fleming (who had been regarded as one of the chief assailants of the Governor) at the time when age and failing health were creeping over him, referring to the continued distractions of the community, declared to them, that if it were in his power, he would make any sacrifice to bring back Governor Cochrane, *the best Governor, he said, that had ever been in Newfoundland.*\*

\* There are several rather touching instances of this Prelate's recurring, in his latter days, with longing towards the unity and peace in which he had lived with all his neighbours previous to the introduction of political strife. The following anecdote was received from the lips of Mrs. Winton, relict of the editor of the 'Public Ledger,' whose name has been noticed in this work, and will have to be mentioned again. The widow stated that, as she was sitting alone in the parlour one day in the year \* \* \*, on turning to the door which was opened by a servant, she was startled and thrown into a tremor by the appearance of Bishop

Fleming entering the room. He came and sat down opposite to her, and said she was doubtless surprised to receive a visit from him, but he felt that his days were numbered and were but few, and he wished to die at peace with his neighbours. He lamented the bitterness which had prevailed in the community, and if he had given any offence, or done any wrong to Mr. Winton, he wished to be forgiven, and reconciled to him. Shortly afterwards, the people of the city wondered at seeing the two walking together through the streets on the most friendly terms. There were also other parties with whom the Bishop had been in a state of hostility who received and accepted from him like overtures of reconciliation.

## CHAPTER XIV.

1835—1846.

THE History of Newfoundland has, in this volume, with some amplitude of detail, now been brought down to a period when it becomes less needful to treat the affairs of the colony with such minuteness as has characterised previous chapters. The time at which the narrative has arrived scarcely belongs to the field of past history, seeing that many of the actors in its events are still living, and the number of these must necessarily increase, as a nearer approach is made to the present day. The materials available to a writer who, at some future time, may be disposed to analyse them for the purpose of weaving a detailed narrative of these years, are very abundant, and are not likely soon to be lost. They could not be made use of for such a purpose now, without, on the one hand, bringing forward the names of existing persons in a manner not very agreeable to them; and on the other, exposing the author to the charge of participating in party feelings, connected with proceedings which are not as yet removed to a sufficient distance of time to be contemplated with impartiality, or, at least, to such a distance as cuts off any suspicion of one-sidedness.

It is satisfactory to relinquish what, under such circumstances, could scarcely be otherwise than an invidious task. Of the annals of the past thirty years, it is sufficient generally to say that they are in no small measure occupied with facts of painful interest, the intricacies of political scheming, the clamorous rage of popular and sectional animosities, made more fierce by a strong infusion of the religious element—or what usurped that sacred name, and bringing forth disorders and crimes which shocked the feelings of the better disposed in the community, and produced a startling impression abroad. These features are plainly exhibited in the journalistic literature of the time, which can be compared with official documents relating to the same matters, in the archives of the Government. Such a comparison shows some curious inconsistencies, even contradictions, between the accounts of facts generally received in the colony, and the representations made of those facts, by interested parties, to the Secretary of State.

But, while withdrawing from the office of being a minute annalist of the thronging events of this period, there are some facts standing out so prominently as the signs of the times, and as indications of the character of large classes of the people—facts, too, bearing on constitutional questions, and calling forth decisions in relation to the application of the British Constitution to the special condition of the colonies—and other facts, happily of an unquestionably cheerful character, denoting the progress of the country and the growth of improvements, that this volume would not be com-

plete without at least a cursory glance at the transactions of these more recent times. The removal of Sir Thomas Cochrane did not bring healing to the rabid disease of social disorder, religious contention, and political strife. This continued to spread under his successor, and to break out in more hideous wounds. One of these, it becomes the unwelcome duty of one who professes to review the principal facts and features of the time, to show to his readers.

It has been mentioned in the previous chapter that the Public Ledger and its editor had fallen under the bitter hostility of one of the two parties, into which, since the introduction of the legislature, the people of the colony had become divided. This hostility was only the more deadly, because it was made to assume the garb of a zeal for nationality, and the vindication of the true religion. The Ledger was represented as the assailant of the Irish people and the Catholic Church. With what measure of truth the accusation was made can easily be ascertained by reference to the files of the Journal. But whether the charge was true or false, it was reiterated in the ears of an ignorant people, and by them believed so strongly, that they determined to gratify their wrathful feelings by an act of vengeance on the obnoxious editor. Even so early as the Christmas of 1833 an enraged mob assailed his house, which was only saved from destruction by the intervention of the military. Afterwards, placards were posted on the walls by night, threatening him with death. These things had no effect in deterring Mr. Winton from the course which

he had chosen for himself and his paper. He fearlessly defied his enemies, only taking the precaution to carry arms about him to defend himself against any sudden attack.

In the month of May 1835, the editor paid a business visit to the towns situate on the shores of Conception Bay. On the 19th of that month he was at Carbonier, whence in the afternoon he set out for Harbour Grace. The narrative of what followed is taken from the Public Ledger of June 2, 1835, and was evidently written by Mr. Winton himself, after his partial recovery, though the references to him are all in the third person:—

Shortly after four o'clock in the afternoon of Tuesday, the 19th ultimo, Mr. Winton left Carbonier on horseback, with the intention of reaching Harbour Grace, distant about three miles. Before he quitted the town, he was joined by Captain Churchward of the brig Hazard, who was also proceeding to the same place on foot. Having gone through the marsh in the neighbourhood of the town, and passed the bridge, they leisurely ascended the long and rugged hill, which lay in their way, and having passed the level ground on the summit, were descending that part of the road commonly called Saddle Hill (familiar to many of our readers as the scene of former outrages, both accompanied and unaccompanied with deeds of murder), when a gang of ruffians hideously disguised, with painted faces, suddenly issued from the woods on the right of the road. Instantly, the foremost of them, with uplifted arm, approached Mr. Winton, and by a heavy blow on the side of the head with a stone, felled him from the horse, while others sprang towards Captain Churchward and effectually prevented him from rendering any assistance. From the time when Mr. Winton fell to the ground, he was rendered powerless by several heavy blows being dealt in

succession on his head. While this scene was enacting, Captain Churchward called out violently, and in the utmost distress, begged them to desist; but he was soon hustled into the woods to the left of the road, when two men threatened him with instant death, if he offered any resistance, or made the slightest noise.

The savages, however, had not completed their diabolical purpose. Not content with the brutal violence they had committed upon their victim, they proceeded to fill his ears with mud and gravel, and to the question, ‘Do you mean to murder me?’ one of the ruffians replied, ‘Hold your tongue you —— ;’ and then opening a clasp knife, stooped down and mutilated one of the ears. At this period, one of the gang exclaimed, ‘Hold his hands,’ whilst another called out, ‘Here he is, we have him.’ They then took off the other ear, and left their victim insensible. Upon recovering, which Mr. Winton thinks must have been very shortly afterwards, he found himself alone, and bleeding most profusely from the wounds inflicted upon the head, as well as from the excision of the ears, and upon rising from the ground, he perceived, indistinctly (from the quantity of blood which streamed over the head and filled the eyes) two objects before him, one of which, as Mr. Winton approached with a pistol in his hand, of which, from the suddenness of the attack, he had hitherto been unable to avail himself, retreated into the woods whence he had issued, whilst the other, who proved to be Captain Churchward, ran up, and urged him to proceed as fast as possible to Harbour Grace. A desire to follow up and apprehend the miscreants, now that there was some chance of fair play for it, was the first natural impulse. But this was overruled, and Mr. Winton and his fellow-traveller walked at a rapid pace until they reached the house of Dr. Stirling (about a mile and a half from the scene of these barbarities), when the haemorrhage ceased, and the wounds were carefully and skilfully dressed.

To the immense effusion of blood (so copious as to be traceable along the road, even to the precincts of the town)

is no doubt to be ascribed, in the first instance, Mr. Winton's rapid convalescence, but he is under the deepest obligations to Dr. Stirling, and to his numerous and kind friends at Harbour Grace, for their unwearied attention and unceasing acts of kindness, under circumstances the most painfully distressing. He is now restored to a degree of comparative health and strength, and resumes his intercourse with his readers.

This transaction created a profound sensation in the capital and throughout the island. The report of it was republished, and drew forth indignant comments from the press—both in the other North American colonies and in the United Kingdom. The British Government, too, was startled by the account of this atrocious crime. What gives to it a darker significance is the fact that though it was committed in the open day, and five persons at least took a guilty part in it—though the enormous reward of 1,500*l.*, 500*l.* by the Governor, and 1,000*l.* by private friends of the victim, with the promise of a free pardon and safe removal from the country, in addition to the reward to any accomplice who should give information leading to the conviction of the actual perpetrators of the outrage, yet to this day no evidence has ever been given to criminate the parties stained with this infamous and cruel deed.

Besides the 1,000*l.* subscribed by the friends of the mutilated editor for the detection of this dastardly assault, a meeting was held on July 25, of the subscribers to his paper, and of the friends of the liberty of the press, when, among others, the following resolutions were passed:—

That, being deeply impressed with a belief that Mr. Winton has been made the object of personal violence and cruelty in consequence of the bold, independent, and fearless manner in which he has endeavoured, through the columns of the Public Ledger, to uphold the rights and liberties of the people, and to maintain the laws; and sincerely compassionating Mr. Winton under the painful sufferings and irreparable bodily injury which he has sustained, this meeting is determined to extend to Mr. Winton a substantial proof of its sympathy and regard.

That a subscription list be immediately opened, for the purpose of raising a fund to aid Mr. Winton in maintaining the freedom and independence of the press, and in support of sound constitutional principles and good government.

Before the meeting separated, 250*l.* were subscribed by those present, and a committee was formed, composed of the most respectable merchants, to collect an increase to the fund.

If anything may be urged in palliation of the above outrage, from the prominent position occupied by Mr. Winton in opposing the political action of the clerical leaders of an ignorant and excitable people, even such a plea of extenuation cannot be brought forward in reference to another instance of like character, which took place five years later—long after the manifestations of indignation and horror produced by the former bloody deed. For, in this second case the victim was nothing more than the overseer in the printing-office of the Public Ledger. The attack on this person was preceded by a dark transaction, which suggested the idea that the baneful spirit and organisation of Ribbonism had found a home in the colony.

On February 14, 1840, near midnight, Mr. Herman

Lott, foreman of the Ledger establishment, was walking between the office and his own home, when he was hailed by some one calling him by his name. Stopping for a moment a person came up and persuaded him to go to the assistance of his master's son, at a spot mentioned. On their way thither they were joined by a third party, who entered into conversation with them. Suddenly, Mr. Lott felt his arms tightly pinioned behind, rendering him helpless. After this a bandage was tied over his eyes, and he was led up to the door of a house, which, on the application of a knock, was opened, and they entered apparently a room. Then the handkerchief was removed from the eyes of the captive, and he discovered that he was in a small room, closely hung with some kind of white sheeting or calico, even the ceiling being so covered. At a small table near the fireplace were seated two men, clad in black, seemingly clerical robes, with their heads and faces also covered with a kind of black skull cap, merely leaving apertures for the eyes and mouth. On the table before them were pens, ink, and paper. In presence of this ominous array the young man was subjected to a severe interrogation on matters connected with his office:—as to the persons who wrote for the paper, who visited Mr. Winton's house; whether Mr. Winton kept arms in his house, and carried them about his person.

The inquisitors did not make much out of the examination; and, after threatening their prisoner, that if he divulged a word of what had transpired, *an unseen and an unknown hand would be in his way,*

his eyes were bound as before, and on the ringing of a bell, he was led out for some distance. After about a quarter of an hour's walking, the rope which bound his arms was suddenly cut, and he was violently turned round once or twice so as to cause him to stagger and fall against a fence. Rising up as quickly as he could, he tore the bandage from his eyes, and could hear retreating footsteps, but could see no one. Instead of keeping the matter secret, Mr. Lott, the following day, made a deposition on oath as to the facts which have been thus briefly sketched.

Perhaps for his own sake, it had been better if he had been silent in respect to what had transpired. Certainly the threat of ‘the unseen and unknown hand to be in his way’ had not been idly spoken. Three months after this mysterious affair, Lott had occasion, on his employer’s business, to pass over the spot made memorable by the assault on Mr. Winton in 1835. As he was journeying on foot between twelve and one o’clock in the day, four men disguised with black crape over their faces, rushed from the wood on the side of the road, one of them crying out, ‘Long looked for is come at last.’ Notwithstanding that he made some resistance with a sword-stick, which he carried with him, he was thrown down, and while on the ground was beaten about the head with a stone, until he became insensible. On recovering his faculties, he found himself alone, his hands and face covered with blood, and soon discovered that both his ears had been cut off, and were bleeding profusely!

A large reward was offered for the conviction of the

perpetrators of this atrocious deed, but, as in the former instance, without success. One other case of outrage must be mentioned as denoting the lawless features characteristic of this period. In the fall of 1840, the election of a member of the House of Assembly took place at Carbonier. Both the candidates were Roman Catholics, but, as usual, one was supported by what was termed the priest's party, which was opposed to the other. There was a considerable amount of disorder and rioting,\* which called for the

\* The rioting, indeed, on this occasion was of a very terrific character; many individuals were seriously injured in their persons, and besides other injuries to property, two houses were destroyed, one by fire, the other being fairly torn to pieces. No return to the writ could be made; consequently, the election was void. Order was eventually restored, by the introduction of a military force from St. John's. Such a force had been applied for previously by the magistrates of the district; but the application was not complied with by the Governor in Council, until the mischief had begun. On this subject, Lord John Russell wrote in the following strong terms to Governor Prescott:—‘After an attentive perusal of the documents which accompanied your despatch, I am of opinion that it was your duty to have sent off one hundred men on the Fifth of December, for the restoration of order, instead of waiting until the Ninth of that month. You should have acted on your own responsibility in this respect, and should not have consulted the Council upon such a measure. I have to desire that you will convey to the House of Assembly my decided opinion that Carbonier ought no longer to be a polling place. You will also take the earliest opportunity of informing that body that proceedings so disgraceful as those which have now taken place, unless punished promptly, and prevented as much as possible by the wisdom of the legislature, and the vigour of the executive, will bring representative Government in Newfoundland into reproach with all who value order and safety of life and property.

(Signed)

J. RUSSELL.'

interference of Mr. Ridley, one of the justices of the peace. This gentleman is described as in all respects an excellent man, carrying on a large mercantile establishment at Harbour Grace, by means of which he furnished employment and support to a considerable number of the population of the whole district. So prudently did he conduct himself with reference to the passions called forth by the election, that he did not vote for either of the candidates. He simply interfered as a magistrate to maintain order, and when in the very act of restraining violence, a ruffian struck him from behind on the head with a heavy stick, applying all the force of both his hands in the blow, by which, for some time, Mr. Ridley's life was in most serious danger.

It is not an agreeable task to reproduce in a work which aims at something more than an ephemeral character, these examples of savage brutality, nor would they have been so reproduced if they could be viewed as solitary monstrosities obtruding their repulsive features, in startling contrast to the general aspect indicative of a law-abiding community. But when it is considered that in the first case, the criminals were five in number, and that a reward of 1,500*l.* could not drag one of them from his lair, or lead to his detection, among people many of whom must have known the whole of them,—that the second crime was committed by nearly an equal number of wretches in the noonday, close to a town even within a mile of the place where a judge was at that very time holding a Court of Session,—and, that in the

third instance, an honoured magistrate and gentleman was, in the exercise of a public and humane duty, all but murdered in the presence of crowds of men who stretched forth no hand to save him, such facts ought to be recorded as true but offensive signs of the spirit of the people and the times.

In connection with these displays of license, two cases, denoting a more organised resistance to the constituted authorities, merit a place in the brief sketch of this period. The first of these consisted in a laboured and at length successful endeavour to procure the removal of an inflexible judge from his seat. The foundation of the bitter feeling directed against Chief Justice Boulton appears to have been laid in the wholesome severity, with which it had been necessary, on his first coming to the country, to administer the laws against the most serious offences. It was a time when the most dreadful crimes were brought before the jurisdiction of the court. No less than thirteen persons were arraigned under capital indictments. Two of these indictments described murders which involved the extermination of almost entire families. Against several of the accused a verdict of guilty was brought in, and the sentence of death was pronounced and executed on them. These facts caused the chief justice to be stigmatised with the *soubriquet* of ‘the hanging judge.’ While on this ground he was exposed to the dislike of the ignorant classes, there were other decisions from his hand, in which his rigid adherence to the laws and the rules of court arrayed against him the leaders, politico-ecclesi-

astical, of that party which had sway over the crowd. The consequence was that a formidable petition, subscribed with thousands of signatures, was forwarded to the King, praying that 'His Majesty would be pleased to purify the bench of justice in Newfoundland by the removal of the chief justice.'

It would take up too much space to go at length into this case, which engaged the long and anxious attention of the Privy Council. It must suffice to state the result of the investigation, and to point out the injustice and inexpediency with which the decision of the Government is chargeable. The Privy Council thus states the case as between the judge and his accusers. 'We have not found any ground for imputing to the chief justice any corrupt motive, or intentional deviation from his duty as a judge, and we feel it incumbent upon us to express disapprobation at the language and conduct adopted towards the chief justice, as being unjust towards him personally, and inconsistent with the respect due to the high office he was filling.' Yet, though the judge was acquitted of all the charges brought against him in his judicial capacity, and the chief blame thrown back on his assailants, the Council thus conclude their report: 'We feel it our duty to state, that we think it will be inexpedient that he (Mr. Boulton) should be continued in the office of chief justice of Newfoundland.'

The reason assigned for this strange recommendation was that the judge had 'allowed himself to participate in the strong feelings which appear unfortunately to have influenced the different parties of

the community (although we do not find that his judicial decisions have been affected thereby).’ If this had been a sufficient ground for the judge’s removal, on the same principle the English Bench might have been emptied of its occupants, for there was scarcely one of them but was classed as Whig or Tory, and, as such, gave his vote in the House of Lords. And it was even more difficult than in England for any man in Newfoundland, endowed with thought and reason, whether he were judge or otherwise, not to participate on one side or the other in the party feelings which prevailed at the time. It was indeed the highest testimony that could have been paid to his honour for the Privy Council to say, ‘We do not find that his judicial decisions have been affected thereby.’

The removal of the judge must be pronounced an act of injustice. It was giving the triumph to his enemies,\* whose language and conduct towards him

\* The account given in the text is a simple statement of the judgment of the Privy Council, its principal points given in the very words of the Committee. How it could be perverted by the enemies of the judge on announcing its bearing to their ignorant followers, the subjoined jubilatory address will show :

‘*Huzza, huzza, huzza !!!*

‘FISHERMEN, rejoice ! There is some hope for you, that the wages for which you have toiled and perilled your lives will not again be snatched from you by the edicts of an unjust and despotic judge ! *Current supplies*—let joy animate your bosoms ! the law broken to injure you, and set aside for the vilest party purposes, will again become your security.

‘VICTIMS of judicial tyranny, persecuted priests and people ! all Newfoundland, lift up your hearts in thankfulness to God ! BOULTON IS CONVICTED ! CONDEMNED !! SENTENCED !!!

were by the same tribunal emphatically and without qualification condemned. They had obtained their object, which was to send him out of the country; and they were not people to feel much hurt by the rebuke conveyed to them in the same decision which accomplished their ends. It was the duty of the home authorities, in vindicating the official conduct of their servant, to have maintained the man at the post in which he had performed obnoxious duties, as otherwise it was likely to require an unwonted degree of fortitude and fidelity in his successor to imitate his conduct, should like circumstances arise. What makes the injustice towards Judge Boulton harder and more inexcusable is the fact that no provision was made to uphold him in the same state elsewhere, but he was left to fall back in the ranks of the bar, and to struggle upward in the drudgery of a profession from which he had had reason to flatter himself he had escaped.

Just at the time when the intelligence arrived in the colony of the decision of the Privy Council on the affair of Chief Justice Boulton, another case was arising in the House of Assembly, requiring the consideration and judgment of the same august body. The circumstances out of which the case arose may be thus epitomised from the reports of the public journals of the time. On Tuesday, August 7, 1838,

‘He has been found *guilty* upon the principal charges, guilty of abrogating the laws and customs of the country and of being a political partisan, and has been REMOVED FROM THE JUSTICE SEAT OF NEWFOUNDLAND FOR EVER.’

one of the members of the House—Mr. Kent—had an altercation in the street with a gentleman of St. John's—Mr. Kielly, a well-known medical practitioner. Mr. Kent declared that the doctor had put his fist near to his face, accompanying the act with a threat of inflicting personal chastisement. The complainant, instead of appealing for protection to the law as administered in the ordinary courts, determined to make the matter a case of breach of parliamentary privilege. The same day he appealed to the House, which sat for some time with closed doors. On the public being admitted, the Speaker ordered Dr. Kielly to be brought to the bar of the House. On this order being complied with, the Speaker informed the prisoner that he had been brought to the bar of the House in consequence of a complaint of a violation of the privileges of the House made against him by an honourable member. He then commanded the clerk to read a report of a committee appointed to consider the matter, with the evidence on which it was founded. The report declared the committee to be of opinion ‘that the conduct of Mr. Kielly is a gross breach of the privileges of the House, and, if allowed to pass unnoticed, would be a sufficient cause for deterring members acting in the independent manner so necessary for a free assembly.’ On the accused begging to be allowed to produce witnesses on his own side, in reference to the occurrence which had brought on him the censure of the Assembly, his request was refused, the Speaker declaring that the only course open to him was to plead ignorance

of the privileges of the House, to profess himself sorry for what he had done, and throw himself on the clemency of the Assembly. This Dr. Kielly refused to do; and in the course of his examination, his feelings becoming excited, he gave utterance to expressions which undoubtedly were an infringement of the privileges of the House. After this he was ordered to be kept in the custody of the sergeant-at-arms.

Two days afterwards the defendant sent a written apology to the Speaker for his conduct before the House, but, when he declined to sign another document which had been prepared, and which purported to be an apology for his conduct towards Mr. Kent in the public street, he was committed to the custody of the sheriff, and lodged in the common gaol.

On the following day the prisoner was brought up before the Supreme Court on a writ of *habeas corpus*, which had been granted on his own affidavit. The case was tried by the Honourable Judge Lilly, assistant judge of the Supreme Court: Mr. Bryan Robinson, then a young barrister (now one of the assistant judges in the island), in a very able speech, moved for the discharge of the defendant. The plea put forward in support of the motion was twofold: first and principally, that the House of Assembly had no such privileges as were assumed in the late extraordinary proceedings; and secondly, that, admitting the privileges, the warrant for the arrest was so informal that it was not of legal value. The

judge, without at that time entering into the question of the authority of the Assembly, took action on the second plea, ‘ruling that the commitment was deficient in those essentials necessary to constitute it legal.’ He therefore discharged the prisoner.

In a few days afterwards, his honour delivered a lengthy and able judgment on the principle involved in the question. In that judgment he declared it to be his opinion that the House did not possess the high powers they had arrogated in the late proceeding; that such were not inherent in it, as in the Parliament of England; that they were not necessary for the protection of the members; and that, even if they were thought to be necessary, they ought to be so declared and enacted by the legislature.

The course pursued by the House after the liberation of Dr. Kielly by the judge’s order was not a little singular. One resolution hastily adopted (but set aside afterwards) was to receive no further communication from the council through the master in chancery to that body—the said master being the Mr. Robinson who had moved for Kielly’s discharge, and afterwards, at the instance of that gentleman, had served out a writ against the Speaker and several other members. Another day, one of the leaders in the House gave notice of a motion that the printer and proprietor of the ‘Newfoundlander,’ be brought to the bar of the House to answer for a gross violation of its privileges in publishing in his paper a report of the judgment given by Judge Lilly upon the writ of *habeas corpus* in the matter of Dr. Kielly, committed

by the Assembly for an alleged contempt. But these were trifling displays of senatorial displeasure compared with what took place the day after the release of the offender against parliamentary privileges. On that day, the indignant Assembly, through its Speaker, proceeded to issue warrants against Dr. Kielly, who had been discharged from custody; against the high sheriff, who had liberated him in obedience to the mandate of a judge; and finally against the judge himself. Immediately the sergeant-at-arms, with assistants, proceeded to the judge's chambers, and, seizing upon Judge Lilly, in not the gentlest manner, dragged him to the Speaker's room. They then proceeded to the office of the sheriff, whom they also put under arrest. Shortly afterwards, both prisoners were paraded through the streets, in the midst of a great mob of people, and confined in the house of the sergeant-at-arms. Dr. Kielly, the original cause of all this trouble, managed to escape, by hiding himself in the house of a friend, until the Governor, by proroguing the legislature, put an end to the assumed powers of the lower branch, and set the captives at liberty. In the fall term of the Supreme Court, Dr. Kielly's action against the Speaker and others of the House of Assembly came on for adjudication. It was first brought before the new Chief Justice Bourne, in the Circuit Court, when the defendant put in a plea of justification on the ground of privilege, whereupon issue was joined. The decision of the Court was then withheld, and the case was reserved for the

opinion of the three judges in the Supreme Court. After an able pleading by Mr. Robinson on behalf of the plaintiff, and another in reply by Mr. Emerson, the judges severally gave an exposition of their opinion, which had been drawn up in writing. The first was given by Judge Lilly, the conclusion of which was—‘I am of opinion that the plea of justification has not been made out, and that the plaintiff should have judgment on the demurrer.’ He was followed by Mr. Justice Desbarres, and by the chief justice, who both gave judgment for the defendants, thus sustaining the House of Assembly’s estimate of its privileges.

This decision occasioned much indignation and alarm to the merchants of St. John’s, who, not being in any favour with the triumphant party in the Assembly, saw in the judgment what might at any time place them at the mercy of a body which was hostile to them. Dr. Kielly was therefore induced to appeal from the decision of the Supreme Court to Her Majesty in Privy Council, and Mr. Robinson, the barrister, proceeded to England to prosecute the appeal. The case came on for hearing in January 1841, Mr. Pemberton, Q.C., and Mr. Henderson for the appellant ; Mr. M. D. Hill, Q.C., and Mr. Fleming for the respondents. The case was again re-argued on May 23, 1842, before the Lord Chancellor, the Lords Brougham, Denman, Cottenham, and Campbell, the Vice-Chancellor of England, the Lord Chief Justice of the Common Pleas, Mr. Justice Erskine, the Right Hon. Dr. Lushington, and Baron

Parke. On January 11, 1843, the last-named judge, by instruction from their lordships, rose to state the reasons for the advice they would give to Her Majesty to reverse the decision of the Court below. Of the House of Assembly he said, ‘They are a local legislature, with every power reasonably necessary for the proper exercise of their functions and duties; but they have not, what they have erroneously supposed themselves to possess, the same exclusive privileges which the ancient law of England has annexed to the House of Parliament.’ Therefore ‘the judgment will be reversed.’ So important was this decision of the highest court in the realm, that it established a precedent in reference to all questions of like character which might arise in any part of the British colonies.

By this period, another party had taken possession of the Government in the United Kingdom. Sir Robert Peel, at the head of the strong conservative reaction against the policy of the Whigs, had displaced and succeeded the Melbourne ministry. Lord Stanley, now Lord Derby, held the seal of the colonies. Both that minister and the cabinet to which he belonged, were less likely than their predecessors to tolerate the confusion which had arisen in the working of legislative institutions in Newfoundland. Accordingly the constitution was suspended, and in 1842 an Act was passed by the Imperial Parliament ‘for amending the constitution of the Government of Newfoundland.’

The chief provisions of the Act were, that Her Majesty was empowered to abolish the council as a distinct branch of the legislature, and to authorise its

members to sit and vote in the House of Assembly as members thereof, as fully in all respects as the elected members of the said house. Thus was formed what is known in the colony by the name of the amalgamated legislature. The change was effected under Governor Sir John Harvey, who, though he had been commissioned and had entered on his duties in 1841, yet, after the change in the constitution made by the Act above mentioned, received a new commission under the Great Seal, accompanied by instructions under the Royal Signet as to his conduct in relation to the change.\*

It is pleasant to turn from the political controversies which were carried on with such virulence, and which brought forth such noxious fruits during many years after the establishment of the powers of self-government, to note some really useful legislation which was produced in this disorderly time. One of the subjects which engaged the attention of the Assembly and the Executive was the want of lights on the island, to give intimation to mariners of their approach to a rocky coast. Previous to 1835, there was only one lighthouse on the shores of Newfoundland, and that was situated at the entrance to the capital. In the year just mentioned, the local legislature passed Acts for the erection of a lighthouse on Cape Spear,† on a high point of land about four miles from St. John's, and another on the Harbour Grace Island in Conception

\* The constitution was restored in 1849 by an Act of Parliament passed in the session of that year.

† Probably a corruption of Espère.

Bay. In 1841 an Act was passed to make provision for a lighthouse at or near Cape Bonavista, and in 1844 another Act was passed for the maintenance of a lighthouse at Cape Pine. These, and several others which have since been added, confer a great benefit on navigation, and still there are many parts of the coast in which such an institution would be of great use.

A still more important and beneficial object employed the deliberations and elicited the action of the Government and the Assembly in 1843. This was the passing of an Act for the encouragement of education in the colony. Up to that period, all that had been done on this behalf had proceeded from the voluntary efforts of individuals, churches, and charitable societies, with some slight aid from the Imperial Government. Though much good was undoubtedly done through these agencies, yet in such a scattered population as that of Newfoundland, there was a very large proportion of each rising generation growing up in ignorance, and without the means of acquiring the elements of learning.

By an Act passed on May 22, 1843, a sum of 5,100*l.* was granted annually for the promotion of education, of which sum one half was appropriated in support of Protestant and one half in support of Roman Catholic schools. The above amount was further distributed among a number of districts whose boundaries were defined by the Act, and which embraced the whole island.

In each district a board was to be appointed by the

Governor, consisting of seven persons, of whom the senior clergyman of the district was to be one. In all those districts in which the majority of the population were Protestants, the schools were to be under a Protestant board, and where the majority were Roman Catholics, the schools were to be held by Catholic boards. A yearly fee of one dollar was to be required from each pupil attending the schools, the several boards being empowered to remit the fee where persons were unable to pay the same.

In the following year an Act was passed to provide for the establishment of an academy in St. John's for the promotion of a superior order of education. By that Act, the sum of 3,000*l.* was appropriated for the erection of an academy, and for providing a library and apparatus. The institution was to be under the management of nine directors appointed by the Governor. His Excellency had also the appointment of senior and junior master, 'provided that no minister of religion having any fixed pastoral charge should be eligible as a master.' The salary of the senior master was fixed at 300*l.*, that of the junior master 250*l.*, payable out of the general revenues of the colony.

Such were the earliest legislative provisions made for the education of the people in Newfoundland. Various alterations have since been made in the system thus introduced; some of these alterations have doubtless the character of improvements; others, again, are of a more dubious sort, especially such as have been framed to suit the lines of a more sectarian divi-

sion. The general results of the educational provision made in the colony are, at this day, disappointing. With a grant of upwards of 13,000*l.* sterling expended annually by the legislature on this object, the culture of the labouring people in St. John's, and especially in the outports, is of a lamentably low order. And it is difficult to foresee any considerable improvement, as the chief hinderance in the way lies in the indifference and apathy of the people themselves.

In 1839 an important change was made in the position of the Church of England in the colony. Up to that year it had formed part of the diocese of Nova Scotia. But on October 2, Royal instructions were forwarded to Governor Prescott, under the sign-manual, wherein he was informed that Her Majesty had detached the islands of Newfoundland and the Bermudas from the see of Nova Scotia to form a new diocese, to be called the bishopric of Newfoundland; and, further, that Her Majesty had been pleased to appoint 'our well-beloved Aubrey George Spencer, Doctor in Divinity, to be the first bishop thereof, with full power and authority to him and his commissary or commissioners to exercise jurisdiction, spiritual and ecclesiastical, throughout the said see and diocese, according to the canons of the Church of England.'

On Saturday, August 9, 1845, St. John's was honoured by the presence of an illustrious visitor, in the person of His Royal Highness Prince Henry of the Netherlands. An intimation of his intention to come to Newfoundland had been given beforehand, and His Excellency the Governor, Sir John Harvey,

having expressed a desire that the people should co-operate with him in testifying their respect for a member of a royal house, connected by so many associations with the British crown, a public meeting was immediately called, at which arrangements were made to mark by a public reception of the prince the loyal feelings of the inhabitants. In accordance with this arrangement, His Royal Highness made his landing and his progress through the city, amidst considerable preparations to give him welcome from all orders of men, civil and military, both ashore and afloat in the harbour. The prince's visit extended over a fortnight, during which he witnessed a regatta held in his honour, on a lake near the city; attended the races; also a pic-nic, given by a select party of ladies at Virginia Water, where was the picturesque rural residence erected and adorned by Sir Thomas Cochrane.

He also was a guest at the Agricultural Society's ploughing-match and dinner, where he responded to his health proposed by the Governor; and, not confining his interest to the capital, was driven over the country to Portugal Cove, where the Unicorn steamer was waiting to convey him to Harbour Grace, on the other side of Conception Bay. On the 26th he embarked, amidst the signs of a demonstration like to that which greeted him on his landing, and carrying with him, so writes the Gazette of that period, 'the good wishes of every well-thinking individual in the community for his future welfare.'

The summer of the year 1846 was signalised to the people of St. John's by a very different event from

that of according an enthusiastic reception to a royal prince—an event similar in character, though more disastrous in its extent, to those which made dismally memorable to the older inhabitants the month of November, in 1817. The catastrophe had been heralded by like calamities in the neighbouring colonies. In May 1845, there had occurred a dreadful conflagration in the city of Quebec. Between 1,500 and 2,000 houses were reported as being consumed, rendering, as was calculated, 12,000 persons without a home. The total loss of property was computed at between 1,000,000*l.* and 1,500,000*l.*, attended with a great destruction of life. On June 27 a public meeting was held in St. John's, to express sympathy with the sufferers, and to forward a subscription to aid in their relief. The subscription amounted to the liberal sum of 600*l.* While this gift was on its way, the tidings were being borne to the donors of another conflagration on the scene of the late calamity. Quebec was visited with a second fire within a few weeks of the first, almost equal in the extent of destruction it caused. By the two fires it was said that at least 3,000 houses were consumed, and 20,000 persons rendered houseless. About a month later the city of St. John's, New Brunswick, was the scene of a conflagration, which, though not comparable in its ravages to those above mentioned, yet, for the size of the town in which it occurred, inflicted very great suffering and loss.

The turn of St. John's, Newfoundland, came in due time, and in proportion to its magnitude, and its own

powers of recuperation, its calamity threw the others into the shade. It is thus announced to the Secretary of State in a letter of the Governor, dated June 10, 1846 :—

It has pleased the Almighty to visit this colony with a great calamity. It was as if the wing of the destroying angel, in the shape of an irresistible and awful conflagration, had suddenly swept away three-fourths of this so lately wealthy and prosperous city.

The event had originated in the morning of the day before. That morning had opened with all the brightness and warmth of summer sunshine. The citizens were mostly sitting down to their breakfast, when, a little before nine o'clock, the alarm was sounded that a fire had broken out in the western section of the city. Unfortunately, the wind, which was high at the time, blew from the W., and went on increasing to a gale as the day advanced, its current made fiercer in the neighbourhood of the city by the progress of the flames. In consequence, the fire spread in the direction of the principal part of the town, including the mercantile establishments, with almost incredible rapidity. The fire-breaks, of sixty feet width, were as nothing in the way of the devouring element. The flames leaped from street to street, and blazing embers, as if to anticipate the work of destruction threatened by the huge volume of fire behind, flew onwards, and commenced the appalling work far in advance. The military were unwearied in their efforts to check the work of devastation, and the civilians exerted themselves to

the same end, but all in vain; ‘before the day closed,’ says the ‘Gazette,’ ‘nothing but a forest of chimneys remained to mark the site of the chief part of our so recently flourishing town.’

Among the public buildings and establishments destroyed were, St. John’s parish church, the new convent of the nuns of the Presentation Order, the convent school-house; the court house, sheriff’s house and offices, Police-office &c.; the Exchange buildings, including commercial room, insurance office, office of Board of Control, Agricultural Society’s Museum, &c.; the Post-office, Colonial Treasurer’s office; the Savings’ Bank, Bank of British North America, Custom House, Ordnance Store, and Queen’s Wharf; Mechanics’ Hall, the reading room and library, M‘Murdo’s Circulating Library, the various hotels, together with the offices of all the newspapers (eight in number) published in the city.

The whole of the mercantile establishments (about sixty) in the town, with a single exception, were totally destroyed. Even stone and brick buildings seemed to offer little or no resistance to the progress of the devouring element. Several vessels and boats too, some of which were filled with valuable goods put on board for safety, were burnt. Indeed, it is said that the harbour itself at one time seemed to be on fire, for from the destruction of its enormous oil vats, sheets of liquid flame spread over the surface of the water. The loss of property was estimated at more than a million sterling. More than 2,000 houses were destroyed, and 12,000 persons rendered homeless; so

that—again to quote from the ‘Royal Gazette,’—‘of our thriving and important city, fully three-fourths in extent and nine-twentieths in value have been destroyed.’

The Governor, who is said to have made himself conspicuous on the day of the calamity in cheering on the people in their exertions to stay its ravages, the next day adopted the following measures to meet the pressing emergency of the situation. He issued a proclamation convening the local legislature to meet in six days. He laid an embargo for a limited period on the exportation of provisions. He addressed a circular letter to the Governor-general and the lieutenant-governors of all the British American colonies, and the British consuls at Boston and New York, making known the deplorable disaster and the immediate wants arising from it. He authorised the chartering of two vessels, one to Halifax and one to New York, for provisions. Lastly, he called a meeting, held on the 10th, at which he presided, of all the heads of the mercantile establishments, as well as of the principal inhabitants, the clergy, judges, and officers of the Government. One of the resolutions passed at the public meeting deserves to be recorded, as evincing the strong brave heart of the citizens amidst the still smouldering embers of the fell ruin which had suddenly come upon them:—

Resolved: That this meeting are aware that the well-established credit and stability of the trade of St. John’s, coupled with the natural and inexhaustible resources of its fisheries, will speedily enable it to recover its usual current,

but that in the meantime it is necessary that publicity should be given to the demand for provisions and building materials which at present exists in this market.

Great sympathy was displayed, accompanied by a bounteous liberality, towards the inhabitants of St. John's suffering under such a fearful calamity, in the neighbouring colonies and in the United Kingdom. Halifax was the first to exhibit its practical charity. At a meeting of the citizens held the day after the news arrived, a subscription was commenced which in a very short time reached 1,500*l.* This munificent contribution was expended in provisions, which were forwarded by the steamer, and was in addition to 1,000*l.* transmitted in specie by the Government of Nova Scotia. Prince Edward's Island also forwarded a large sum, as did also the towns of St. John's and Fredericton. The Government of Canada sent 2,000*l.*, and the citizens of Quebec subscribed even a larger sum for the same object. The news arrived in England at the time when Mr. Gladstone was holding the office of colonial secretary only until the appointment of his successor: but he at once sent present relief to the extent of 5,000*l.*; and immediately afterwards the new secretary, Earl Grey, with the sanction of Parliament, added to that sum other 25,000*l.* Besides this large public grant, the Queen issued a letter to the Archbishops of Canterbury and York, authorising them to bring before the clergy and congregations under their charge the case of the sufferers in Newfoundland, in the manner that might seem best calculated to draw forth the liberality of the benevolent.

By these means, and others of like character—for those mentioned are but the principal parts of a general stream of charity that converged towards St. John's—the inhabitants of what had seemed a ruined city took heart to set about its reconstruction, under such conditions as might probably render it secure against such a catastrophe as had recently befallen it. By the enactment of a law requiring that all buildings in the business part of the town should be erected of brick or stone, increasing the width of the streets, and compelling the wooden oil vats for the future to be built only on the south side of the harbour, it was rendered next to impossible that the community should see the recurrence of such a devastation as was to make the 9th of June 1846 memorable at least through the lifetime of the existing generation.

It may be here said that this security has lately been increased by the introduction of a supply of water from a lake on a considerable elevation at four miles' distance, which, flowing through the pipes with enormous force, has been proved sufficient to confine any fire to the premises on which it breaks out. With such an auxiliary to the improved construction of the town in reference to the danger of fire, St. John's ought to be regarded as being as safe, and the insurance ought to be almost as cheap, as in the towns of the United Kingdom.

Little more than three months had elapsed after the great fire, when Newfoundland was visited with a dreadful gale, which effected great destruction of life and property. The storm, which occurred September

19, 1846, appears to have raged all over the shore, and, during part of its course, was accompanied by a heavy fall of rain. Many vessels were totally wrecked or dismasted, great numbers of boats were swamped or driven from their moorings, and dashed to pieces against the rocks. Quantities of fishing stages and flakes in the various harbours along the coast were entirely swept away; and with them, in many instances, the fruit of the owner's toils during the fishing season was engulfed. Houses were blown from their foundations and torn in fragments. Trees almost in every direction were uprooted from their beds or broken in pieces by the fury of the gale. Many bridges, fences, and other erections were also carried away, or much injured by the rapid and considerable rise of the rivers, which, in some instances, reached fully ten feet above their ordinary level, deluging the low lands near their courses, and strewing their margins with immense quantities of wrecked materials.

If the destruction of property was not very great in St. John's, the reason was that the fire had not left a great deal to be destroyed: and still it was the scene of considerable damage and of some melancholy casualties. There was a spacious but unfinished building called the Natives' Hall, which since the fire had afforded shelter to several families—this was blown down with an awful crash, and by its fall two persons, a brother and sister, were killed instantly, while their mother was so severely injured as to leave scarcely any hopes of her recovery. The new church

of St. Thomas, which had escaped the fire, was found, after the gale subsided, to have been removed bodily several inches from its foundation. Even in the well-sheltered harbour, many vessels were more or less injured, several boats were sunk, and one fishing boat with six or seven men on board, in endeavouring to make the harbour, was said to have been swamped in the narrows, and all on board lost.

Sir John Harvey had been removed from the Government of Newfoundland a week before the great gale, having been promoted to the Lieutenant-Governorship of Nova Scotia. He had come to the island at a time when political and party passions were vehemently excited, and on the eve of the suspension of the constitution which had been granted in 1832. He made it his endeavour to conciliate all classes towards each other, and towards himself, too often with the very poor success which commonly attends such endeavours, of leaving every party dissatisfied. Yet during his term of office, he saw a modification of that bitterness of tone which had prevailed in the community. He also witnessed and helped to promote measures of a beneficial character, affecting the social interests of the people. It was during his administration that the advantage of postal steam communication was extended to the island—the first steam packet bearing a mail for Newfoundland entering the harbour of St. John's on April 22, 1844. His Excellency lent himself also to promote the development of the agricultural resources of the country. On this subject the following extract from ‘An Address of the Newfoundland

Agricultural Society'—presented when he was about to leave the country—bears testimony to his services:—

Called into operation very soon after your Excellency's arrival in Newfoundland, the Society has, under the influence of your Excellency's continued encouragement and support, steadily advanced in the diffusion of a desire for agricultural knowledge, and has, by means to which we need not at present more particularly allude, succeeded not only in introducing great improvement in the practice of agriculture, but in developing some of the natural resources of the colony which were previously but imperfectly known, and in thereby conferring upon its inhabitants the most substantial benefits, the good effects of which are becoming every day more apparent; and we feel certain it will afford your Excellency great satisfaction to be assured that the Society will long cherish the remembrance of your Excellency's example, which it will be their constant aim to emulate and promote.

## CHAPTER XV.

1846—1860.

A very brief epitome of the principal events in Newfoundland during the last seventeen years will occupy the present chapter, which will conclude this attempt to sketch the general history of the country, and be followed by a special chapter, supplying some information not contained in the records which form the materials of the general history, in relation to the religious denominations into which the community is divided.

On the departure of Sir John Harvey, the temporary administration of the Government devolved on Lieutenant-colonel Law, senior officer in command of Her Majesty's land forces, an able military man, who had been nearly all his life a soldier; having in his youth shared in the retreat of the army under Sir John Moore to Corunna, and been present at the cheerless but glorious obsequies of that great British hero. He afterwards distinguished himself in the peninsular campaign, under the Duke of Wellington, as well as in the battle of Waterloo. The gallant officer conducted the Government until the spring of 1847, when he was superseded by Sir Gaspard le

Marchant, also a soldier, whose father had fallen at the head of his brigade in the battle of Salamanca, and who himself had fought as adjutant-general to the Anglo-Spanish Legion and brigadier-general in the Spanish service during the years 1835, 1836, and 1837.

Before the Governor reached the country, a new form of political agitation had commenced, having for its object to put an end to the system of imperial appointments to the principal offices in the colony, and to procure such appointments to be at the disposal of those who acquired a majority to support them in the local legislature. This change was sought for on the principle adopted elsewhere, that a British colony should be governed ‘according to the well-understood wishes of the people.’ The object aimed at is more summarily expressed in the phrase — ‘Responsible Government.’ After the subject had been ventilated by some portions of the press favourable to the proposed alteration, a public meeting was held in the Court-house of St. John’s, May 26, 1846, at which it was resolved that a petition should be sent to the Queen and both Houses of Parliament, praying for a form of government similar to that which had been granted to Nova Scotia.

Though the conflagration which almost destroyed the city a fortnight after this meeting, followed by the ravages of the subsequent gale all around the coast, might to some have seemed to leave little of a material sort to provoke the ambition of acquiring the responsibility of ruling amidst such a chaos of wreck,

yet these calamities did not check the newly-awakened appetite for a more real and substantial power of self-government than had been granted by the constitution of 1832. The demand on this behalf was reiterated in the papers, in meetings, and petitions, and at length was communicated to the Imperial Government as expressing the desire of the majority of the House of Assembly. The latter body, perhaps acting on the principle that one of the surest means of obtaining a desirable boon was to treat it as a thing that must eventually be obtained, adopted a resolution in the session of 1849 declaring the opinion of the House, that all future appointments to offices within the colony, ‘analogous to offices held by political tenure where responsible Government prevails, should be notified by the executive at the time of his appointment; that these offices are to be held on a like tenure in the event of responsible government being acceded to in this colony.’

The advisers of Her Majesty, however, looked with little favour on these proposals for increased powers to the local government. Earl Grey, in a despatch relating to the resolution which has just been quoted from, while concurring in its demands in the event of the concession of responsible government, stated his opinion ‘that until the wealth and population of the colony shall have increased considerably beyond their present amount, the introduction of what is called responsible government will by no means prove to its advantage. . . . The institutions of Newfoundland have been of late in various ways modified and altered, and some time

must unavoidably elapse before they can acquire that amount of fixity and adaptation to the colonial wants of society which seems an indispensable preliminary to the future extension of popular government.'

Sir John Pakington, who in 1852 succeeded Earl Grey as Secretary of State for the colonies, coincided in these views. In a despatch dated April 3, 1852, he wrote:—

Her Majesty's government see no reason for differing from the conclusions at which their predecessors had arrived in the question of the establishment of responsible government, and which were conveyed to you by Lord Grey in the despatch already mentioned. I consider, on the contrary, that the wisdom and justice of these conclusions are confirmed by the accounts since received from Newfoundland.

Still the agitation of the question was carried on with growing earnestness and not a little bitterness. So far as the discussion was maintained by arguments, it was urged by the party advocating the change, that the colony was of such importance in regard to its population, the extent of its trade, and the amount of its revenue, that it ought to be placed in the same position as the other colonies: that Newfoundland was the only British North American colony from which the benefit of self-government was withheld, that great abuses and exclusiveness prevailed under the existing system; that not only had the majority in successive Houses of Assembly pronounced in favour of Executive Responsibility, but that even the amalgamated Legislature, of which two-fifths were crown nominees, had affirmed the same principle; 'that the colony

possessed a sufficient number of inhabitants, qualified by property, intelligence, &c. &c., willing to devote their services to public business; that the introduction of Responsible Government would not be attended by an increase of civil expenditure; and that the inhabitants of the country were peaceable, loyal, and industrious, full of respect for the laws of the land; therefore, ‘the government of the colony should be conducted upon those general principles of constitutional freedom which are in force in the neighbouring colonies, irrespective of any sectarian distinctions.’

On the other side, it was argued that ‘the public affairs of the colony were not of such an extensive and intricate character as to require the introduction of a system so complex as that of Responsible Government; that the people were not sufficiently educated in political matters usefully to avail themselves of such a system; that should it be conferred in the present state of social developement, the natural desire for office and emolument would more actively influence politicians than the conscientious maintenance of political opinions;’ consequently, ‘in the contest for private profit the public interests would too often be forgotten; that the introduction of party government in existing circumstances would lead to perpetual contests of a political character, the substantial basis of political divisions in the country being confessedly the difference of religious creeds; that the population of the country being nearly balanced in number between Protestants and Roman Catholics, each jealous of the

ascendency of the other; there was a necessity that the Government should be independent of both, impartial between them, and filling the public offices of the colony from the most competent of either; and that, from the existing unfair and unequal division of electoral districts, the majority of the assembly represented the Roman Catholics, who formed a minority of the population entirely under the sway of the priesthood, therefore the immediate effect of the change would be to transfer to the latter the government of the colony with its patronage and power.'

But it was not by arguments that the matter was to be settled. The advocates of the system, having the majority in the assembly, could hinder all legislation but what tended to promote their object, could throw difficulties in the way of the local Executive, could harass and perplex the Governor, and could send deputations to besiege the Colonial Office in Downing Street, charging the cost of such delegations on the revenues of the country. In the persistent use of these means the prospect at length opened out of ultimate success attending the efforts of the liberal party, as it was called. Earl Grey, and afterwards Sir John Pakington, had stood firm against innovation, but the Duke of Newcastle, who succeeded the latter, gave signs of yielding: and in 1854, it was communicated to the Governor (Ker B. Hamilton, Esq., who followed Sir Gaspard le Marchant, 1852) that 'Her Majesty's Government had come to the conclusion that they ought not to withhold from Newfoundland those institutions and that civil administration which under

the popular name of Responsible Government had been adopted in all Her Majesty's neighbouring possessions in North America; and that they were prepared to concede the immediate application of the system as soon as certain necessary preliminary conditions had been acceded to on the part of the Legislature.'

The principal of these conditions was 'the indemnification of present holders of those offices, which by the change in question will be rendered liable to be vacated at the will of the majority of the Legislature.'

It was not until 1855 that the system was inaugurated, Governor Hamilton having previously been promoted to another colony—his removal having doubtless been effected at the instance of the dominant party in Newfoundland, who had not found His Excellency sufficiently pliant to their wishes. To his successor Charles Henry Darling, Esq., belonged the honour of introducing a new era in the government of the country. As was to have been expected, the principal offices as held under the old *régime* were immediately vacated (the holders retiring on pensions, to be paid out of the local revenues), and were filled up by the heads of the party that had mainly contributed to bring about the change.

In the year 1857, all classes in the colony, even those who were most pleased with the Home authorities for granting the boon of responsible government, were excited to considerable indignation by the action of the British Ministry in reference to the fisheries, a subject of far greater consequence to the interests of the community than any political trans-

formation. The time was that in which the alliance between England and France had been consolidated by the triumphant issue of events at Sebastopol, when, therefore, it was not unnatural for the high contracting parties in that great business to be mutually disposed to review any other matters between them in which each had an interest, and by a readjustment of details perhaps promote the advantage of both. Unfortunately, the fisheries of Newfoundland were chosen as the field on which this experiment of rectifying existing arrangements and making mutual concessions was to be tried. The two Governments accordingly entered into a convention, ostensibly founded on the give and take principle, but in which it appears that the French negotiators astutely managed to secure the lion's share of the taking, feebly balanced with the *minimum* of giving up. The British ministry seem to have been in doubt as to whether the people of Newfoundland would be quite satisfied with the new arrangement, but to have trusted that if its provisions were a little unpalatable, yet they would be accepted and swallowed under the soothing influence of feelings of gratitude for the late boon of Responsible Government. In this they were greatly mistaken. When the Convention reached St. John's its terms were intently scrutinised by men who had a vital stake in the subject-matter to which it referred; and by them it was speedily discovered that what the French had agreed to concede was comparatively valueless, while their proposed appropriations would half ruin the Newfoundland

fisheries. There was but one sentiment on the question. Liberals and conservatives, merchants and labourers, clergy and laity, all combined to denounce the shameful convention. The Legislature appointed delegates to go to London to remonstrate with the Ministry, others to Nova Scotia, New Brunswick, and Canada, to rouse the feelings of the sister colonies against the measure. These demonstrations soon put an end to the negotiation between the two cabinets so far as it affected the Newfoundland fisheries. On being made acquainted with the angry storm which had broken out in the colony, the Secretary of State wrote a despatch to Governor Darling announcing the withdrawal of the offensive clauses. His communication closed with the following unequivocal recognition of the right of a colony to have the deciding voice in reference to a measure in which its own interests were so much concerned:—

The proposals contained in the convention having been now unequivocally refused by the colony, they will of course fall to the ground; and you are authorised to give such assurance as you may think proper, that the consent of the community of Newfoundland is regarded by Her Majesty's government as the essential preliminary to any modification of their territorial or maritime rights.

(Signed)

H. LABOUCHERE.

The making known this reassuring despatch was among the last public acts of Governor Darling. He had already been notified of his appointment to the government of Jamaica. His successor in Newfoundland had also been appointed—Sir Alexander

Bannerman, translated from the Bahamas, who, arriving at St. John's on June 8, 1857, immediately entered on the duties of his office, which he has worthily filled to this day. The popular leaders who had gained the boon of responsible government in 1855, and who, through the grant, attained to the direction of affairs in the colony, were fortunate in having a succession of favourable seasons for the commencement of the working of the new system.

Bountiful fisheries, with their accompaniments of extensive trade, abundant and well-paid industry, and an immensely augmented revenue, seemed to cast a reflective light, glorifying the recent institution of self-government: and in many respects the members of the executive showed themselves to be men adapted to their places and to the times. They effected a great amount of good by improving the means of communication between the several districts; by encouraging the direct transit by steam to and from the mother-country and the United States, as well as between the capital and the outports; by increasing the number of lighthouses on the coast; by fostering the scheme for a telegraph line through the country; and by manifesting great pecuniary liberality in the promotion of education. But unfortunately they overlooked the fact that prosperous times are not the result of political changes, and that they are liable to be followed by times of adversity. For such the Government made no provision, by employing some portion of the public revenue for the reduction of the colonial debt. On the contrary, they increased

it. Above all, they neglected to avail themselves of the period of general well-doing among the labouring population, to cripple the giant pauperism, which even in the best days was devouring too largely the resources of the state, and which was likely to show itself a monster in growth, should there come an interruption to the tide of prosperity. One principal internal weakness of the Government was its tacit assumption that it was so strong that it could not be removed.

In the year 1860 things grew rather cloudy to the administration, without awakening in the members the foresight of the storm in which they were to make shipwreck. The fisheries were a partial failure, and there were indications of much distress in the forthcoming winter, increasing the demand for aid from the Government Poor Fund. To provide for this latter liability, a special session of the legislature was called at the close of the year. Though the sitting was a short one, it was long enough to show a want of harmony among the members of the Government and their supporters. After Christmas the House met again to enter on the usual business of the country, when it soon became increasingly manifest that the majority did not pull very well together, and that the Government was not so popular as it had been with its outside supporters. What the result of such a state of things might have been if it had been allowed to run to its natural issue, it is impossible to say, as there opened out a side issue which precipitated events. The Government had brought in a Bill to fix

the value in colonial currency to be given to imperial sterling in the payment of officials. The judges, thinking that their interests would be injuriously affected by the measure, forwarded a representation against it to the Governor. In the course of a discussion on the subject, Mr. Kent, the colonial secretary, probably harassed and irritated by various causes, lost his temper in speaking of this correspondence, and at length, before the whole House, charged His Excellency with having entered into a conspiracy with the judges and the minority of the House against his own Executive. On reading this accusation, published in the papers next day, Sir Alexander Bannerman wrote to Mr. Kent asking for an explanation, who, in reply, simply stated that he did not consider himself called upon to give account to the Governor of what he might have said in the House of Assembly. Immediately after receiving this curt response, His Excellency informed the writer, and those associated with him, that they no longer composed his executive council. At the same time, he entrusted to Mr. Hoyles, the leader of the opposition, the task of forming a government.

Then commenced a time of trouble. The only hope of the new administration sustaining itself lay in an appeal to the country by a general election, and both parties prepared for a severe contest. The elections came off in the latter part of April 1861, and were attended with much tumult and riot, religious animosities making the bitterest element in the struggle. In St. John's many injuries were inflicted on persons

and property, simply because a Protestant had dared to stand as a candidate. At Harbour Grace, where the Protestants were a large majority, and where they determined to make an effort to send members representing that majority, there were such disorder and violence and terror, that it was impossible to have an election at all. At Harbour Main, where the people were all Roman Catholics, where all the candidates were of the same faith, and where the only line of division was made by the clergy favouring one side and being opposed to the other, there was, besides much destruction of property, an affray in which guns were used, and a man of one of the factions was shot dead by the side of his priest.

The result of the election seemed to show that the new Government would be able to keep its place,\* a probability in which lay the seeds of a fearful day in St. John's. On May 13 the new House of Assembly was opened by the Governor in person. Threats of disturbance had been rumoured about in the morning, which rendered it necessary that the guard of honour usually attending His Excellency on such occasions should be strengthened. There was good reason for the precaution. A crowd of about 2,000 persons with menacing aspect was collected about the house. While the ceremony of opening was going on, attempts were made to break into the

\* As the contest had had imparted to it a sectarian character, and as the Protestants in the island outnumber the Catholics by nearly 10,000, it was inevitable that this result should follow if the poll were fairly taken.

building, which were checked only by the soldiers being ordered to have their weapons ready. On His Excellency retiring after the delivery of the speech from the throne, he was saluted with hootings and groans, and even stones thrown at his carriage. Nothing further immediately happened, and the greater part of the troops returned to their quarters.

About an hour afterwards, the news was bruited about that there was serious rioting in the principal street of the city. A Roman Catholic, politically obnoxious to the mob, had his premises attacked, the windows broken to the very frames, and all the contents of the establishment carried away, or strewn over the street. This wreck being completed, the multitude proceeded to the large premises of another Roman Catholic, and there pursued the work of ruthless demolition, accompanying it with the most unblushing robbery. Their task was soon finished here, and they were preparing for further acts of brigandage, filling with terror all parties living in the neighbourhood. At length, a little after six o'clock, by the order of the magistrates, about eighty or ninety soldiers, commanded by Colonel Grant, marched along the street to the scene of the most recent devastation, where the mob was still arrayed. Then followed a scene, lasting for two hours, which will not soon be forgotten by those who witnessed it. The few soldiers were hemmed in by a noisy multitude containing many thousands, whose lawless passions were strongly excited. The rowdies mocked and jeered at the troops, snatched at their weapons, and flung huge

stones at them, by which several were severely injured, as their bleeding faces testified. Attempts were made to drag from his horse Colonel Grant, who, in the spirit of patient humanity, ventured away from his men into the midst of the mob, entreating them to disperse. Priests of the Roman Catholic church exerted themselves to the same effect, but all in vain. At length, about eight o'clock, as the daylight began to fade, it is averred in evidence given on oath afterwards, the report of a musket or pistol shot was heard proceeding from the crowd and directed against the soldiers. Then, though reluctantly, orders were given to fire, and fearful was the effect produced, as one or two sections of the small force complied with the orders.

Three persons were killed, and perhaps about twenty wounded. Among the latter was a priest, an estimable man, who had been exerting himself in the mob to prevail on the people to go home. When the confusion and dismay were at their highest, the bells of the Roman Catholic cathedral rang out. It was the call of the Bishop to his misguided flock. Filled with mingled feelings of rage and fear, they hurried in thousands in obedience to the summons; but it was only in answer to the most solemn appeal that the prelate prevailed on them to retire in peace and order to their homes.

In a narrative professing to come down to the present times, it was impossible to avoid noticing the course of events just described, however disagreeable the review of some of them may be. The author has

striven simply to sketch the facts without commenting on them, or passing judgment on parties implicated in them. But there are two points on which he will venture an opinion in opposition to views entertained by some parties in Newfoundland.

The first relates to the conduct of Governor Bannerman in dismissing the Kent Government. It has been said, on the part of that Government, that the reason assigned by His Excellency for the step was only a pretext, enabling him to carry out a meditated purpose, founded on his dislike of the administration. There seems little need to resort to such a ground for the Governor's proceeding, when Mr. Kent's public accusation in the House, which he refused to explain, left to the Queen's representative no other choice than that of displacement.\* When

\* The following is the simple view which Sir Alexander Bannerman took of the affair, conveyed in a letter to a private gentleman, which the author, with the consent of both parties, has been permitted to use :—

'I was accused by the Premier in the House of Assembly, and in the presence of his colleagues, of entering into a *conspiracy* with judges, lawyers, and a minority of the House, to defeat a useful measure of my Government. I asked for an explanation, and was refused, and if I had not acted as I did, I should not have been worthy of remaining in Her Majesty's service one hour afterwards.

'Ministers have been changed, and parliaments dissolved, very often on slender causes; but Mr. Kent's affair was a serious one. The new system of government which was conceded in 1855, instead of lessening, increases a Governor's responsibility. A bad ministry, with a corrupt majority, may do many things which the Governor cannot help. But I would not for a day continue to administer the government of a colony, unless I had the power to dispense with the services of my ministers and appeal to the

the dismissed ministers say that they were removed to gratify the Governor's feeling of aversion to them, they allege a motive for his conduct which was either known among them previous to his dismissing them, or which has suggested itself as an after conclusion. If the latter be the case, little value can be attached to the imputation. If the former,—if they had reason to know that His Excellency did not like them, then what is to be said of the wisdom of their chief in affording such a palpable opportunity for the manifestation of such dislike?

But further, if it were true that Sir Alexander had conceived a repugnance to his late advisers, that feeling might have one of two characters. It might have been of a personal order, a feeling simply in reference to the men; and even in such a case, the British constitution recognises that the sovereign, and by consequence the sovereign's representative, may have his preferences, and indulge them, providing he will submit his action to the judgment of the people in the exercise of their constitutional rights at the polling-booth, and abide by their decision. On the other hand, the repugnance attributed to Sir Alexander, if it existed, may have been of a public character, arising from the conviction that the ministers and their majority did not represent the opinions and feelings of the country, if fairly tried. In that case,

country. But in doing this a Governor must submit to many things, and look to what the consequences may be to the interests of the people.

'A. BANNERMAN.'

it was his duty to avail himself of an opportunity to make such a fair trial of the matter.

The best defence of the conduct of His Excellency is to be found in two facts: first, that Mr. Hoyles, the leader of the minority in the assembly, undertook to carry on the government, if the constituencies could be impartially appealed to, and protected in the exercise of their electoral rights; and second, when that appeal was made, and that protection afforded, he was able to perform his undertaking. The two districts on which the issue of the contest chiefly depended, and where it was said that the late Government had carried the day by unconstitutional practices, in the last election, returned their opponents,—in one case without a struggle; in the other, where there was a peaceful orderly struggle, in which nearly every constituent gave his vote, by a majority of two to one.

Another point at which exception has been taken is the bringing out of the military on May 13, and the subsequent firing on the riotous mob. It has been said that the step was uncalled for, unconstitutional, would not have been taken but for the *animus* of the authorities, and will never be taken again in like circumstances. On this subject, the whole matter hinges on the question, whether in any case the military may be called out in aid of the civil power, and whether, when so called out, they may be employed in any other way than as a mere show. If the answer be given in the affirmative, then there can be no doubt that the scenes in St. John's on the day mentioned did call for military intervention, and its

active though melancholy employment to save the city from what threatened to be a night of triumphant anarchy, and perhaps of bloodshedding beyond the measure that unhappily prevailed.\*

It was indeed an occasion of wonder and admiration, that the commander of the troops bore so long and so patiently the insulting and injurious treatment to which he and his men were subjected. If anything were wanting to justify the extreme measure that was at last taken, it was supplied in subsequent proceedings. It taught the rioters that they could not pursue the work of open and organised destruction and rapine in the streets of St. John's—a lesson which, it is believed, they are not likely soon to forget. While, as it was known to the disorderly that the garrison was weak, not more than sufficient for its own defence, and perhaps that of the chief parts of the city, the mob, avoiding the circle where they might come into contact with such defence, resorted to midnight burnings in the outskirts of the town of property belonging to persons against whom their ire had been aroused. Night after night the heavens were lit up by these incendiary flames, peaceful and well-intentioned citizens being deterred by fear from leaving their own houses to render aid in extinguishing them. Amongst the property thus set

\* It is pretty well known that the adherents of the several mercantile houses were on the premises with loaded arms, and prepared to use them in case the property was attacked, and many private houses and individuals were furnished with muskets and revolvers, to be determinately employed should an assault be made on them.

fire to was that of one of the judges, the college of the Church of England (happily discovered and put out at its commencement), and the country house of Mr. Hoyles, the attorney-general and head of the new Government (a pretty retreat, totally destroyed). It is noticeable that these outrages were *brought to a close after the arrival of 200 men from Halifax to strengthen the military force in St. John's.*

To those who are in any danger of being led away into mischief by representations that such military intervention is contrary to the ideas of the British Government, it may suffice to refer to a note in the preceding chapter, containing the opinion of Lord John Russell, a liberal and constitutional statesman, that it is the duty of the authorities, when other means fail, to call out the military for the repression of such disorders as have been too rife in Newfoundland. Happily, the administration of those to whom was entrusted the task of first working the system of responsible government was connected with more pleasing events than those which characterised their removal from their posts. Two of the principal of these deserve a brief notice.

Amidst the bright sunshine of the morning of August 5, 1858, the people of St. John's were suddenly thrown into great excitement by the intelligence that the Niagara, with the Atlantic cable, had arrived at Bay of Bulls Arm, Trinity Bay, and that the ocean telegraph had been successfully laid down. This consummation of a great enterprise had been appropriately and solemnly celebrated at the scene of

the landing, by the commander of the ship reading prayers in the midst of the crew and the gentlemen who had accompanied the expedition, and then delivering a short but grateful and devout address.

On the evening of the following Monday, the Niagara and the Gorgon entered the harbour of St. John's, and were welcomed by the ringing of bells and the firing of guns. As the darkness came on, all the public buildings were illuminated, and the people of the capital gave themselves to rejoicings and mutual felicitations. Subsequently, addresses were presented to Captain Hudson and Mr. Cyrus Field by the Executive Council and the Chamber of Commerce, and a ball was given in honour of the visitors, followed the day after by a regatta on the Lake of Quidi-Vidi.

It was not until Tuesday, the 11th, that the first messages conveyed along the line and containing the reciprocal congratulations of the Queen of Great Britain and the President of the United States were published, affording proof, apparently, that all which had been hoped for from the enterprise had been secured. This was followed by a period of growing anxiety and doubt. From some cause or other, it was found difficult to transmit intelligible messages. The difficulty increased, until at length it had to be acknowledged that the cable was injured somewhere, and that *that* line was a failure.

Still the enterprise itself was no failure. It had demonstrated the feasibility of the work with better materials, and had given a favourable solution to the

twofold problem as to whether a cable could be laid across the Atlantic, and whether along such a cable translateable messages could be conveyed.

The year 1860 witnessed an event which awakened more profound and general interest than had been produced by the landing of the telegraph cable. This was the visit of His Royal Highness the Prince of Wales, who, at St. John's, first touched on the transatlantic dependencies of that dominion overwhich he will probably one day be called to rule. It had become known in the colony early in the year that he intended to cross the ocean for a tour through Canada; and on April 2, Sir Alexander Bannerman conveyed to the legislature a communication which he had received from His Grace the Duke of Newcastle, stating that the Prince would most likely visit St. John's on his way out, and desiring to be informed how the visit of so short a duration could be turned to best account for the gratification of the colony. In answer to this despatch, a message was transmitted to His Excellency, expressing the profound gratification with which the intelligence had been received, and declaring that nothing should be wanting on the part of the legislature and the people of the colony, to testify their devoted loyalty to His Royal Highness, as the eldest son of their beloved Queen and the heir-apparent to the throne.

It was soon made evident that all classes from the Governor downward were determined to give to the expected guest as hearty and appropriate a welcome as public zeal and private endeavour could devise. As

the period approached when His Royal Highness was expected, busy preparations might be seen going on everywhere, and of every kind. Besides triumphal arches spanning all the principal thoroughfares, new flagstaffs appeared daily rising about the churches or other public buildings, and in private houses. Painters and carpenters were at a premium, and were working day and night. Perhaps the most laudable endeavour to show respect and consideration towards the Prince was, that every householder, even to the very humblest, determined that his dwelling should have a clean face on it when it came to be looked on by royal eyes. It had been announced that the squadron would leave England on July 10, and might therefore be looked for at St. John's about the 25th; but on Monday the 23rd, a beautifully clear day making vessels visible at a great distance from Signal Hill, a flag was hoisted on the Block House, denoting that a steamer was in sight. This happened a little before twelve o'clock, and in a short time afterwards all doubt as to the character of the vessel was removed, by another steamer being announced, the union jack floating above the signal for the two vessels.

The Prince must have had a good opportunity of examining the bold eastern coast of Newfoundland, for six hours elapsed after the ships were sighted before they entered the Narrows. This occurred about half-past six o'clock, and the loyal feelings of the inhabitants were manifested by the firing of guns, the ringing of bells, the waving of thousands of flags, and by multitudes flocking down to the harbour, there to

shout their welcome in vociferous cheers. It was soon made known that His Royal Highness would not land until the following morning, and with the gathering darkness the crowds retired to their homes.

The morning threw a damp on the expectations awakened the evening before. The rain was pouring down in torrents, threatening to spoil the preparations which had been so studiously made for an effective display. As time wore on, however, matters began to look a little better, and it was announced that the Prince would leave the Hero at twelve o'clock.

Almost precisely at that hour the sun shone through an opening in the mantle of clouds, which soon dispersed, to be seen no more during the stay of the royal visitor.

Exactly at the time fixed, he descended into the boat which was to convey him to the Queen's Wharf, when, in the midst of the representatives of all the wealth and intelligence and beauty which the island contained, His Excellency the Governor bade Albert Edward welcome to the shores of Terra Nova.

Followed by the judges, the clergy, the civil officers, and the members of the various societies of the capital, His Royal Highness, accompanied by his distinguished *suite*, was driven up to Government House, the several volunteer companies being stationed at different parts of the line of procession.

It is not needful to detail the proceedings of the Prince during his brief visit. Suffice it to say, that he held a levee; he received addresses, and gave gracious answers to them; he reviewed the volunteers;

he visited the cathedrals; he pleased the ladies by attending a ball; he gratified the fishermen by honouring their regatta with his presence, and the wives of some of them still more, by going away from the holiday spectacle to examine the fishing stages in Quidi-Vidi, so as to learn something of the avocations of their ordinary life. His face soon became a familiar object in the streets of St. John's, and he made several excursions on horseback in the suburbs; he showed a youthful joyousness, as well as a princely satisfaction, in accepting as the gift of the citizens a noble Newfoundland dog, and instantly gave him the name of Cabot, in honour of the discoverer of the island. But one feeling prevailed towards His Royal Highness, and went on increasing during his stay among all orders of the people—that of cheerful and affectionate respect, coupled with the sentiment of reverent and grateful loyalty towards the royal lady who had entrusted her son to the hospitality of the distant subjects of her realm.

No doubt, much of the admirable fitness which characterised the proceedings connected with the royal visit was owing to the wisdom and prudence of His Grace the Duke of Newcastle, on whom devolved the responsible charge of directing the Prince's tour. Whatever little *contres* occurred elsewhere, with which the Duke was for the moment unpleasantly associated, the impression produced in Newfoundland by His Grace's demeanour and conduct was that of unmixed and universal admiration—a sentiment which has been permanent in its character; so that in

the unhappy embroilments which disturbed the peace of the colony in the following year, and ever since, all parties have been anxious to secure the good opinion of the Colonial Minister.

Nor should the sagacity, tact, and kindness of the Governor be omitted in noticing the causes which have imparted a pleasant memory to this Royal visitation. He identified himself with all the preparations to do honour to the event—he sought by all means in his power to make the stay of his illustrious guest a pleasure to himself and a boon to the people. He caused the grounds of Government House to be open to the public, so as to furnish every possible opportunity of seeing the Prince, a privilege which was freely and respectfully taken advantage of, without being in a single instance abused. On the whole, His Excellency's endeavour to make the occasion one of satisfaction to all parties concerned, and his untiring and successful exertions on that behalf, merited and received unstinted praise.

On the morning of Thursday the 26th, His Royal Highness was announced to take his leave. An immense multitude of people, estimated at upwards of thirty thousand, many having come from distant parts of the colony, lined the route by which he proceeded to the ship. From the time of his setting out from Government House, there commenced a roar of cheering which, taken up again and prolonged, seemed to be uninterrupted until its subject was out of hearing on the sea. After the Prince had embarked, and the ships were slowly steaming out of the harbour

towards the Narrows, hundreds flocked along the road that they might give him one cheer more. As the Hero passed on, His Royal Highness saw on the rocks, on every spot where footing could be had, crowds of persons who had sought a slippery stand from which to bid him God speed, these expressions of loyalty being gracefully acknowledged by him.

Then the guns from the heights waked reverberating echoes with a Royal salute. Even from below the waters there was a contribution to the general acclaim. It so happened that a few days previous, preparations had been made for blasting a sunken rock on one side of the deep channel in the Narrows, and the moment fixed upon for firing the charge was that immediately after the Prince passed the spot. The plan was completely successful, and while the guns were roaring and forming a high canopy of cloud overhead, low down, more than twenty feet beneath the surface of the waters, a shock was felt which made those waters surge and bubble and hiss, as if striving to articulate a rude good-bye.

## CHAPTER XVI.

## ECCLESIASTICAL.

SOME account of the principal religious denominations of the colony has entered into the general history of the country as narrated in this work. But as the religious element, especially in its sectional aspects, has a large influence on the present condition of the community, it is thought advisable to supply in a special chapter some details as to the rise and growth of the various Christian bodies into which society in Newfoundland is divided.

The history of the Church of England in Newfoundland may be said to date from the reign of Queen Elizabeth. In the efforts then made to colonise the island, letters patent were granted to Sir Humphrey Gilbert, constituting him the governor, and giving him full and absolute sway over such colonists as might be induced to settle there. The principal conditions that were imposed upon him were, that the laws he enacted should be ‘as neere as conveniently may, agreeable to the forme of the laws and pollicy of England,’ and ‘that they be not against the true Christian faith or religion, now professed in the Church of England.’ This clause appears to indicate

the desire of the Queen and her advisers, to maintain the authority of the Church in her newly peopled colonies, so as to avoid the encroachments of Roman Catholicism on the one hand, or the spread of Puritanism on the other. Chancellor Bacon, in one of his earlier works, makes the following remarks on the subject of the church and the colonies :—

For the discipline of the Church in those parts it will be necessary that it agree with that which is settled in England, else it will make a schism and a rent in Christ's coat, which should be seamless ; and to that purpose it will be fit that by the king's supreme power in cases ecclesiastical within all his dominions, they be subordinate under some bishop or bishopric of this realm.

These words were written during the reign of James I., and probably reflected the sentiments of the Court on that subject.

From this period till the commencement of the eighteenth century, very little was done for the dissemination of Church of England principles in the colony. The Society for the Propagation of the Gospel in Foreign Parts was established in 1701, and from its first published report it would appear that at that date, although there were several English Settlements in the colony, there was no public exercise of religion, except at St. John's, where the congregation was unable to 'subsist' a minister. Accordingly a Mr. Jackson was forthwith sent out by the society at a stipend of 50*l.* a year for three years, and a benefaction of 30*l.*—probably in addition to what his congregation could raise for his support. Soon

afterwards a handsome church was built in St. John's. This, however, was destroyed in 1705, and replaced by a smaller one. These appear to have been the first efforts at church building in the colony. In the progress of years other missionaries were sent out by a Propagation Society—a Mr. Jones being stationed at Bonavista, and a Mr. Kilpatrick at Trinity Bay, the inhabitants at the latter place promising to raise an annual stipend of 30*l.* towards his maintenance. Meanwhile, congregations were established in various parts of the island; amongst other places, at Great Placentia, where Prince William Henry, afterwards William IV., showed his attachment to the religion of the State, by presenting the church with a valuable set of communion vessels, when on a visit to the place. This gift is still retained in the church at Great Placentia.

At length a very important period arrived in the history of the Episcopalian Church in Newfoundland. In 1805, on the creation of the bishopric of Nova Scotia—the first colonial see under the British Crown, Newfoundland was annexed to its jurisdiction. Shortly afterwards the bishop paid a visit (an account of which has been given in a previous chapter) to the colony, and was deeply impressed with the spiritual destitution which he there discovered. There were probably less than half a dozen clergymen of the Church of England in the island. It was in consequence of earnest representations from several quarters that in 1839 Newfoundland, with the Bermudas, was detached from Nova Scotia, and

constituted a separate see, Dr. Spence, the Archdeacon of the Bermudas, being consecrated the first bishop. From this time the progress of the Church of England in the colony has been marked with considerable rapidity. Two years after his installation as bishop, Dr. Spence wrote as follows:—

At my consecration to the see of Newfoundland I found only eight clergymen of the Church of England in the whole colony. The church itself was in a most disorganised and desperate condition, the schools languishing, many of them broken up, and all destitute of that spirit of unity and order so essential to their real efficiency. He adds, ‘I am very thankful that I have been permitted within the short space of two years to remedy some of these evils. Twenty-five clergymen with readers and schoolmasters under them; Sunday Schools everywhere revived or originated; a theological seminary for future missionaries established at the capital; more than twenty new churches erected; and the extension and repair of many buildings already consecrated to divine worship; these are the means which, under the divine blessing, I now possess for the propagation of the gospel; and which I humbly trust may be blessed to the success of His cause.

This was in 1842. Dr. Spencer, on his removal to the see of Jamaica, in 1844, was succeeded by Dr. Field, the present bishop of the colony. The following are the clerical statistics of the island for 1863:—

The Right Rev. Edward Field, D.D., Lord Bishop of Newfoundland. The Ven. Henry Martin Lower, M.A., Archdeacon and Ecclesiastical Commissary.

Deanery of Avalon—Rev. Thomas M. Wood, Rural Dean.  
Number of clergymen, nine.

Deanery of Conception Bay—Rev. M. Blackmore, Rural Dean. Number of clergymen, seven.

Deanery of Trinity Bay—Rev. Benjamin Smith, Rural Dean. Number of clergymen, nine.

Deanery of Notre Dame Bay—Rev. Thomas Boone, Rural Dean. Number of clergymen, four.

Deanery of Placentia Bay—Number of clergymen, three.

Deanery of Fortune Bay—Rev. William K. White, Rural Dean. Number of clergymen, seven.

Labrador. Number of clergymen, two.\*

Pretty considerable reference has been made in the general narrative to the Roman Catholic portion of the community, the disabilities to which it was subjected at an early period, and the influence which it has exerted on the social and political affairs of the colony. For the following detailed account of the progress of the Church and its present state, the author is indebted to the kindness of the Right Rev. Dr. Mullock, the bishop of the diocese of St. John's, to whom he would express his grateful sense of obligation.

' The first Catholic establishment in the island was  
' English in its origin, and was made in Ferryland in  
' 1623 by Sir George Calvert. Shortly afterwards  
' the Recollet French Franciscans, who commenced  
' their labours in Canada in 1615, came to Newfound-  
' land, as they were obliged to supply chaplains to all  
' the French ships of war and to forts manned by over  
' forty men. In 1689 Monseigneur de S. Vallier, the  
' second Bishop of Quebec, paid a visit to Placentia,

\* For the information in the text relating to the Established Church in the colony, the author is indebted to the courtesy of Dr. Field, Bishop of Newfoundland, who kindly gave him a letter of introduction to the Secretary of the Society for the Propagation of the Gospel.

taking with him several priests from the Franciscan convent in Quebec. A church or chapel already existed in the town, and was now placed under the care of the Recollets of Quebec, and the Bishop, in his pastoral letter to Father Seraphin Gourgica, the Superior of the convent in Quebec, promises to obtain the royal license for the establishment of the convent of Franciscans in Placentia.\* Accordingly, in 1692, a royal decree to this effect was published by Louis XIV. of France, giving also the license of foundation of convents in all parts of Canada, Island of St. Peter's, and Newfoundland, signed "Louis," and countersigned "Philippean."

We have no record of the names of the priests located in the island during the French dominion; for although liberty for the exercise of the Catholic religion was granted after the conquest, and was openly exercised, still when the French retired, the parish books or archives were probably taken to France, and from that period till 1784 the Catholic religion was not tolerated in the country. Priests occasionally visited Newfoundland in disguise, generally from Waterford—you already know at what risk. We have no account even of their names, nor any register of baptisms or marriages, if any were celebrated by them. In 1784 the Church was publicly organised, and Dr. O'Donnel, born in Knocklofty, in Tipperary, a member of the Franciscan order, was sent out here as Prefect Apostolic by

\* Archiepiscopal Archives of Quebec.

‘ Pope Pius VI. In 1796 he was appointed Vicar  
‘ Apostolic and Bishop, with a title *in partibus infide-*  
‘ *lium* of Thyatira, and consecrated in Quebec. In  
‘ 1807 he left the island, and died in Waterford in  
‘ 1811, in the 74th year of his age. Dr. O’Donnel was  
‘ succeeded by Dr. Patrick Lambert, a Franciscan  
‘ priest, native of Wexford, in 1806. His episcopal  
‘ title was Bishop of Kytra *in partibus*. In 1817 Dr.  
‘ Thomas Scallan, another Wexford Franciscan, suc-  
‘ ceeded, under the title of Bishop of Drago, and died  
‘ in 1830. The next Bishop was Michael Anthony  
‘ Fleming, appointed Bishop of Carpasia in 1829, also  
‘ a Franciscan, a native of Carrick-on-Suir, Ireland.  
‘ He died in 1850. In 1825 there were 60,088 inha-  
‘ bitants, of whom 24,882 were Catholics. In 1847  
‘ Newfoundland was erected into a diocese, and in the  
‘ same year Dr. Mullock was appointed coadjutor  
‘ bishop. Dr. Mullock succeeded in 1850. The  
‘ cathedral was commenced by Dr. Fleming in May  
‘ 1841, consecrated on September 9, 1855, and cost,  
‘ with the adjacent buildings, convents, college, resi-  
‘ dence, over 120,000*l.* In 1848 there were twenty-  
‘ four priests in the island. In 1856, at the earnest  
‘ request of Dr. Mullock, Newfoundland was divided  
‘ into two dioceses—St. John’s, comprising the south-  
‘ ern part of the island, from Bay of Islands to Spani-  
‘ ard’s Bay ; and Harbour Grace, all the northern  
‘ portion and Labrador. Dr. Dalton was appointed  
‘ Bishop of Harbour Grace. Newfoundland is at  
‘ present divided into three ecclesiastical districts—  
‘ the diocese of St. John’s, diocese of Harbour Grace,

‘ and Prefecture Apostolic of St. Pierre’s and Miquelon. The number of clergy in St. John’s is twenty-nine, in Harbour Grace six, and in St. Pierre’s three, of whom one is Prefect Apostolic. In this Prefecture there is a large convent of *Sœurs de Charité*, and there is also an establishment of *Frères des Écoles Chrétiens*, both supported by the Imperial government of France, which also sends two priests annually to the French shore—one stationed at Le Seie and one at Le Concho—are also in operation in the island. In St. John’s we have one college, twelve convents, and over fifty churches and chapels; in Harbour Grace there are two convents and over fifteen churches and chapels; and the number of Catholics in Newfoundland in 1857 was 57,214.

‘ (Signed) + J. J. MULLOCK.

‘ To the Rev. Charles Pedley.’

The following account of the early history of Wesleyanism in the colony is compiled from a work published in 1776, by the Rev. L. Coughlan, ‘late Missionary of the Society for the Propagation of the Gospel,’ and is given in the spirit, and sometimes in the very words, of that narrative. For the later notices relating to the Wesleyan Church, the author is indebted to materials kindly supplied by the Rev. G. Botterell, chairman of the Newfoundland district.

About the period when the great religious revival of the eighteenth century, under Whitfield and Wesley, was agitating the mother country, a missionary of the Society for Propagating the Gospel in Foreign Parts,

Mr. Coughlan by name, was pursuing his labours in the district of Conception Bay. Here he found great cause for discouragement. The settlers were too engrossed in their industrial occupations to attend to religion, though not to prevent them from indulging in almost every species of vice, of which drunkenness and profanity were the principal.

Having laboured for several years without any evidence of success, the missionary was on the point of retiring from the island in despair, and seeking a fresh sphere of usefulness. Suddenly, and without any apparent cause, the whole of that part of the colony became moved by the same religious phenomena as were then prevalent in Great Britain. There was a general desire to hear the Word of God. People came twenty miles over the mountains, and across the bay, to hear Mr. Coughlan preach ; and in a very short space of time three new wooden churches were built, and as many congregations gathered, over which he was urged to take the pastoral oversight. During the religious services the listeners could not maintain their usual decorum, but cried aloud in their agony, or gave vent to the most vehement ascriptions of praise to God for spiritual deliverance. At last persecution set in, and many of the merchants and wealthier inhabitants determined, if possible, to root the new doctrine, as they called it, out of the land. For this purpose they first raised a report that Mr. Coughlan was mad, and even cited him before the Court of Judicature for sundry offences, all of which he disproved. Failing thus to drive him from the island

they withdrew their subscriptions to the church at Harbour Grace, but the poorer people flocked in with their small but willing contributions, and thus this singular work triumphed over every obstacle. After some years Mr. Coughlan returned to England and became the minister of Cumberland Street Chapel, London, where he published his work, dedicating it to the Countess of Huntingdon.

In 1786 the new society, founded under the Rev. John Wesley, sent three missionaries to the colony—John McGahey, John Clark, and W. Hammet. The number of members actually enrolled during the year is stated in the report of the period to have been a hundred, but admission to membership was strict, and it is probable the regular attendants upon the Wesleyan services numbered several times that amount. In 1796 the minutes of Conference give the name of only one missionary as stationed in the island, and state the number of members as 200. In 1806 there were two missionaries, and 508 members. In 1812 there were four Wesleyan missionaries on the Island;\* in 1829 twelve, and 1,147 members; and in the present year (1863) the ministers of the Wesleyan Church are twenty-three in number, and the communicants 3,198, whilst the total number of persons in the colony, calling themselves Wesleyans at the last census, was 20,229. From this account it will be seen that Methodism in Newfoundland, as in England, took its rise from a

\* At this period there were not more than three clergymen of the Church of England in the colony.

revival of religion *within* the Church of England, that its promoters in the first instance thought rather of saving souls than establishing a new sect; and, on the other hand, there can be no doubt that to Wesleyanism the Protestant Churches of the colony are deeply indebted as a principal agency by which Protestantism still has its hold on the majority of the people of the colony.

It has been mentioned in the body of this work that in 1782 John Jones, dissenting minister at St. John's, obtained permission from Governor Campbell to pursue his work. This John Jones had been a soldier in the artillery, whose early life had been spent among the Nonconformists in Wales. He speaks of himself as having fallen into vicious courses, but, being in Newfoundland, impressions made on his mind in his childhood seem to have revived, and he became, according to Evangelical phraseology, ‘a converted man,’ anxious to do good amidst the irreligion which he attests to have prevailed in Newfoundland. He held meetings for prayer, which he got at first one or two to attend, the number afterwards increasing.

At length he took courage to address to them a word of exhortation, and subsequently, on his discharge from his regiment, was ordained in England to be minister of the dissenting church in St. John's. This was in 1779, the church having been formed under his own auspices in 1775. He and the little community over which he presided met at first with much opposition from the authorities. In the church book, which is still preserved, there is a minute stating that

a governor had arrived who declared that he would pull the building down stick and stone—to which record the pastor adds; ‘But the Lord soon put a hook in his nose, and led him back the way which he came.’ Mr. Jones died in 1800. The church over which he presided still exists, isolated, but composed of a respectable congregation. Owing to the Congregational body having no central organisation for the spread of their Church system and principles, Congregationalism in Newfoundland did not extend formally beyond St. John’s; but members of that church, in the absence of any opportunity of diffusing their own ecclesiastical principles, liberally contributed in aid of missionaries of the Wesleyan Church.

In 1842 the Scotch members of the congregation united, and formed themselves into a separate body of Presbyterians, in connection with the Established Kirk of Scotland, and erected a handsome wooden church, which was opened in December 1843.

On the occasion of the disruption in the Church of Scotland, a portion of the St. Andrew’s Church, in St. John’s, withdrew, and laid the foundation of a Free St. Andrew’s Church, which was opened in 1850. There is also a Free Church in Harbour Grace.

## APPENDIX.



## APPENDIX I.



EXTRACTS FROM ' CAPTAINE RICHARD WHITBOVRNES DISCOVRSE  
AND DISCOUERY OF NEVVFOVND-LAUND --- IMPRINTED AT  
LONDON, 1622.'

'IN a voyage to that countrey about 36 yeeres since I had then the command of a worthy ship of 220 tun set foorth by one Master Crooke of South-hampton, At that time Sir Humfrey Gilbert a Deuonshire Knight, came thither with two good ships and a pinnace, and brought with him a large patent from the late most renowned Queene Elizabeth, and in her name tooke possession of that countrey in the harbour of S. Iohn's, whereof I was an eye witnesse, He sailed from thence towards Virginia; and by reason of some vnhappy direction in his course, the greatest ship he had strucke vpon shelues, on that coast of Canadie and was there lost, with most part of the company in her: And hee himselfe being then in a small pinnace of 20 tun in the company of his Vice Admirall (one Captaine Hayes) returning towards England, in a great storme was overwhelmed with the seas and so perished' (Preface).

'The naturall inhabitants of the country, as they are but few in number, so are they something rude and sauage people; having neither knowledge of God, nor liuing vnder any kinde of ciuill gouernment, In thier habits customes and manners, they resemble the Indians of the Continent from whence (I suppose) they come; they liue altogether in the north and west part of the countrey, which is seldome frequented by the English: But the French and Bescaines

(who resort thither yeerely for the whale-fishing and also for the cod-fish) report them to be an ingenious and tractable people, (being well vsed) they are ready to assist them with great labor and patience, in the killing, cutting, and boyling of whales; and making the traineoyle, without expectation of other reward, than a little bread or some such small hire' (p. 2).

' Then have you there faire straw-berries red and white, and as faire raspasse-berries, and goose-berries, as there bee in England as also multitudes of bilberries, which are called by some whortes, & many other delicate berries (which I cannot name) in great abundance

' There are also many other fruits, as small peares, cherries, filberds &c And of those berries and fruits the store is there so great, that the mariners of my ship and barke's company, haue often gathered at once, more then halfe an hogshead would hold, of which diuers times eating thier fill I neuer heard of any man whose health was thereby im-paired

' There are also herbes for sallets & broth; as parsley, alexander sorrell &c And also flowers, as the red & white damaske rose, with other kinds; which are most beautifull & delightfull both to the sight & smell

' And questionlesse the countrey is stored with many physicall herbs and roots, albeit thier vertues are not knowne, because not sought after; and yet within these few yeeres many of our nation finding themselues ill, have bruised some of the herbes and strained the iuyce into beere, wine, or aqua-vita; and so by God's assistance, after a few drinkings, it hath restored them to thier former health

' The like vertue it hath to cure a wound or swelling, either by washing the grieued places with some of the herbes boyled, or by applying them so thereunto (plaister-wise) which I haue seene by often experience' (pp. 6-7).

' What the reasons motiues and inducements are either of honour profit or aduantage, which may iustly inuite your Maiesty and all your good subiects, to take some speedy and reall course for planting there, I will endeauour hereafter to

show, For it is most certaine, that by a plantation there and by that meanes onely, the poore mis-believing inhabitants of that countrey may be reduced from barbarisme, to the knowledge of God, and the light of his truth; and to a ciuill and regular kinde of life and gouernment

‘This is a thing so apparant, that I neede not inforce it any further, or labour to stirre up the charitie of Christians therein, to giue thier furtherance towards a worke so pious, euery man knowing that euen we ourselues were once as blinde as they in the knowledge and worship of our Creator, and as rude and sauage in our liues and manners—Onely thiss much will I adde, that it is not a thing impossible, but that by meanes of those slender beginnings which may be made in New-found-land, all the regions neere adioyning thereunto may in time bee fitly conuerted to the true worship of God

‘Secondly, the vnitng of a countrey so beneficall already, and so promising vnto your Maiesties kingdoms, without either bloodshed charge or vsurpaton must needes bee a perpetuall honour to your Maiestie in all succeeding ages; and not so onely but also a great benefit and aduantage to the state, by a new accesse of dominion. And what prince or state can inlarge thier territories, by a more easie, and more iust meanes than this’ (pp. 14–15).

‘There are yeerely neere vnto the harbour of Renouze great store of deere seene; and sometimes diuers of them haue been taken. There is a man yet liuing, that was once at New-found-land in a ship with me; and he on one voyage did there, neere vnto the harbour of Renouze, kill 18, very large & fat deere, as it is well knowne, yet he went with his peece but seldom for that purpose, & would then haue killed many more if hee might haue been spared from other labour to attend thereon: whereby it may bee well vnderstood, that there is great store of deere’s flesh in that countrey, and no want of good fish, good fowle, good fresh water, and store of wood &c. By which commodities people may well liue very pleasantly’ (p. 54).

‘It is well knowne vnto all those that haue seen the

country and obserued it, how the land is ouergrown with woods and bushes that haue growne, and so rotted into the ground againe (in my opinion euer since the flood) the rottenness therof hath so couered the earth, and rocks in diuers places of the country in great thickness, and by reason therof the open land and woods doe a long time in summer containe a great moisture vnder the same so that a man may obserue, when the heat of the yeere comes on, a kinde of fogge arising continually from it—Therefore in my opinion which I submit to deeper iudgements, if those vnecessary bushes and such vnseruiceable woods were in some places burned, so as the hot beames of the sunne might pearce into the earth and stones there, so speedily as it doth in some other countreys, that lye vnder the same elevation of the Pole, it would then there make such a reflection of heate, that it would much lessen these fogges, and also make the country much the hotter winter and summer, and thereby the earth will bud forth her blossoms and fruits more timely in the yeere, then now it doth and so bring the land more familiar to vs, and fitter for tillage, and for beasts and also for land-fowle, then now it is; and thereby those islands of ice that come on that coast at any time, will the sooner dissolve, which doe speedily melt, when they come neere the south part of that land' &c. (pp. 58–59).

'I haue often (sailing towards the New-found-land) met with some French ships comming from the banke so called, deepe loden with fish, in the first of Aprill, who haue taken the same there in Ianuary February and March, which are the sharpest months in the yeere for storms and cruell weather—To which banke may our nation (such as will aduenture therein and doe great good in fishing) saile from the New-found-land in the latter part of the summer, when the fish begins to draw from that coast, as commonly it doth when the winter comes on, I meane such shipping as are to be imployed by whomsoever may vndertake to plant there, and likewise any other ships that saile thither a fishing, as now they vse to doe, who hauing disposed away such fish and traineoyle as they take there in the summer time vnto

merchants as vsually euery yeere some such as aduenture thither haue done, they may then (salt being made there, as it may bee fitly & cheaply) take in thereof a fit quantity, and fresh water, wood, fresh fowles, great store, and other victuall, and likewise a sufficient quantity of herrings, mackerall, capeling and lawnee, to bait thier hookes withall, for taking of fish on the said banke: because such bait the French-men are not able to haue, that saile purposely to fish there, but are constrained to bait thier hookes with a part of the same cod-fish which they take there wherewith they loade thier ships' (pp. 97-98).

'Such as shall be employed in that voyage, may afterwards spend thier time at thier homes merrily, vntill it bee towards Aprill in euery yeere, which is timely enough to set forth again in said voyages' (p. 100).

'Now also I will not omit to relate something of a strange creature which I first saw there in the yeere 1610 in a morning early, as I was standing by the river-side in the harbour of S. Iohn's, which very swiftly came swimming towards mee, looking cheerfully on my face, as it had been a woman: by the face, eyes, nose, mouth, chin, eares necke & forehead it seemed to bee so beautifull, and in those parts so well proportioned, hauing round about the head many blue streakes resembling haire, but certainly it was no haire, yet I beheld it long, and another of my company also yet liuing, that was not then farre from me saw the same comming so swiftly towards mee: at which I stepped backe; for it was come within the length of a long pike, supposing it would haue sprung aland to mee, because I had often seene huge whales to spring a great heighth aboue the water, as diuers other great fishes doe; and so might this strange creature doe to mee if I had stood still where I was, as I verily belieue it had such a purpose. But when it saw that I went from it, it did therevpon diue a little vnder the water and swam towards the place where a little before I landed, & it did often looke backe towards mee; whereby I beheld the shoulders & backe down to the middle to bee so square, white & smoothe as the backe of a man; and

from the middle to the hinder part it was poynting in proportion something like a broad hooked arrow: how it was in the fore part from the neck & shoulders, I could not well discerne; but it came shortly after to a boat in the same harbour (wherein one William Hawkbridge then my seruant man was) that hath been since a captaine in a ship to the East Indies, & is lately there so employed again; & the same creature did put both his hands upon the side of the boat; whereat they were afraid, and one of them struke it a full blow on the head, whereby it fell off from them, and afterward it came to two other boats in the same harbour, where they lay by the shore the men in them for feare fled to land and beheld it. This (I suppose) was a maremaid or mareman. Now because diuers haue writ much of maremaids, I haue presumed to relate what is most certaine of such a strange creature that was thus then seene at New-found-land, whether it were a maremaid or no I leave it for others to iudge: And so referre you to the perusall of the copies of these letters following which haue been lately sent from the New-found-land, which I doubt not but they will also giue you some satisfaction of what I haue written of that countrey whereby to bring you the more in loue to the imbracing of a plantation in that countrey which may be well styled a sister land: which God grant to blesse and prosper' &c. (pp. 4-5 of conclusion).

## APPENDIX II.

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KING CHARLES'S COMMISSION FOR THE WELL-GOVERNING OF HIS  
SUBJECTS INHABITING NEWFOUNDLAND, OR TRAFFICKING IN  
BAYS, CREEKS, OR FRESH RIVERS THIERE.

'CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, and so forth, to all to whom these presents shall come, greeting.

'Whereas the region or country, called Newfoundland, hath been acquired to the dominion of our progenitors, which we hold, and our people have many years resorted to those parts, where, and on the coasts adjoining, they employed themselves in fishing; whereby a great number of our people have been set on work, and the navigation and mariners of our realm have been much increased; and our subjects resorting thither one by the other, and the natives of those parts were orderly and gently entreated, until of late some of our subjects of the realm of England planting themselves in that country and there residing and inhabiting have imagined that for wrongs or injuries done there, either on the shore, or in the sea adjoining, they cannot be here impeached; and the rather for that we, or our progenitors, have not hitherto given laws to the inhabitants there; and, by that example, our subjects resorting thither injure one another and use all manner of excess, to the great hindrance of the voyage and common damage of this realm; for preventing such inconveniences hereafter, we do hereby declare in what manner our people in Newfoundland and upon the seas adjoining, and the bogs, creeks, and fresh rivers there,

shall be guided and governed; and do make and ordain the laws following in the things after specified, commanding that the same be obeyed and put in execution.

‘ 1st. If any man on the land there shall kill another, or if any shall secretly or forcibly steal the goods of any other in the value of forty-shillings, he shall be forthwith apprehended and arrested, detained, and brought prisoner into England, and the crime committed by him shall be made known to the Earl Marshal of England for the time being, to whom the delinquent shall be delivered as prisoner; and the said Earl Marshall shall take cognizance of the cause; and if he shall find by the testimony of two witnesses or more that the party had there killed a man (not being at that time first assaulted by the party slain, or that the killing were by misadventure) or that he had stolen such goods, the delinquent shall suffer death, and all the company shall endeavour to apprehend such malefactor.

‘ 2nd. That no ballast, prestones, or anything else hurtful to the harbours, be thrown out to the prejudice of the said harbours; but that it be carried on shore and laid where it may not do annoyance.

‘ 3rd. That no person whatever, either fisherman or inhabitant, do destroy, deface or any way work any spoil or detriment to any stage, cook-room, flakes, spikes, nails or anything else that belongeth to the stages whatsoever, either at the end of the voyage, when he hath done and is to depart the country, or to any such stages as he shall fall withal at his coming into the country; but that he or they content themselves with such stage or stages only as shall be needful for them; and that, for the repairing of such stages as he or they take, they shall fetch timber out of the woods, and not do it with the ruining or tearing of other stages.

‘ 4th. That, according to the ancient custom, every ship or fisher that first entereth a harbour in behalf of the ship, be *Admiral* of the said harbour, wherein, for the time being, he shall receive only so much beach and flakes, or both, as is needful for the number of boats that he shall use, with an overplus only for one boat more than he needeth, as a privi-

lege for his first coming; and that every ship coming after content himself with what he shall have necessary use for, without keeping or detaining any more to the prejudice of others next coming; and that any that are possessed of several places in several harbours shall be bound to resolve upon which of them they choose, and to send advice to such after-comers in those places, as expect their resolution, and that within eight and forty hours, if the weather so serve, in order that the said after-comers may likewise choose their places, and so none receive prejudice by others' delay.

‘5th. That no person cut out, deface, or any way alter or change the marks of any boats or train-fats, whereby to defraud the right owners; and that no person convert to his own use the said boats or train-fats so belonging to others, without their consents; nor remove, nor take them from the places where they be left by the owners, except *in case of necessity*, and then to give notice thereof to the Admiral and others, whereby the right owners may know what is become of them.

‘6th. That no person do diminish, take away, purloin, or steal any fish, or train, or salt which is put in casks, train-fats, or cook-room or other house, in any of the harbours or fishing-places of the country, or any other provision belonging to the fishing trade, or to the ships.

‘7th. That no person set fire in any of the woods of the country, or work any detriment or destruction to the same, by *rinding of the trees*, either for the sealing of ships' holds or for rooms on shore, or for any other uses, except for the covering of the roofs for cook-rooms to dress their meat in, and these rooms not to extend above sixteen feet in length at the most.

‘8th. That no man cast anchor or aught else hurtful, which may breed annoyance, or hinder the haling of seines for bait in places accustomed thereunto.

‘9th. That no person rob the nets of others out of any drift, boat, or drover for bait, by night; nor take away any bait out of their fishing-boats by their ships' sides, nor rob or steal any of their nets or any part thereof.

‘ 10th. That no person do set up any tavern for selling of wine, beer, or strong waters, cyder, or tobacco, to entertain the fishermen; because it is found that by such means they are debauched, neglecting their labour, and poor ill-governed men not only spend most part of their *shares* before they come home upon which the life and maintenance of their wives and children depend, but are likewise hurtful in divers other ways, as, by neglecting and making themselves unfit for their labour, by purloining and stealing from their owners, and making unlawful shifts to supply their disorders, which disorders they frequently follow since these occasions have presented themselves.

‘ Lastly. That upon the *Sundays* the company assemble in meet places, and have divine service to be said by some of the masters of the ships, or some others; which prayers shall be such as are in the Book of Common Prayer.

‘ And because that speedy punishment may be inflicted upon the offenders against these laws and constitutions, we do ordain that every of the mayors of Southampton, Weymouth, and Melcombe-Regis, Lynn, Plymouth, Dartmouth, East Low, Foye, and Barnstable, for the time being may take cognizance of all complaints made against any offender against any of these ordinances *upon the land*, and, by oath of witnesses, examine the truth thereof, award amends to the parties grieved, and punish the delinquents by fine and imprisonment, or either of them, or of their goods found in the parts of Newfoundland, or on the sea, cause satisfaction thereof to be made, by warrants under their hands and seals. And the Vice-Admirals in our counties of Southampton, Dorset, Devon, and Cornwall, upon complaint made of any of the premises committed upon the *sea*, shall speedily and effectually proceed against the offenders.

‘ Also, we will and ordain, that these laws and ordinances shall stand in force, and be put in due execution until we shall otherwise provide and ordain; and we do require the Admirals in every harbour in this next season ensuing calling together such as shall be in that harbour publicly to

proclaim these presents, and that they also proclaim the same on shore.

‘In witness whereof, we have caused these our letters to be made patent.

‘Witness ourself at Westminster, the 10th day of February, in the ninth year of our reign.

‘God save the King.

‘WILLYS.’

APPENDIX III.

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By permission of Her Majesty's Colonial Secretary—the author was permitted to inspect the original of the following letter in the Public Record Office of the United Kingdom.

St. John's, Newfoundland: July 2, 1800.

Sir,—I am sorry to inform you, that a spirit of disaffection to our Government has manifested itself here last winter and in the spring. The first symptoms made their appearance about the latter end of February, by some anonymous papers posted up in the night, threatening the persons and property of the magistrates, if they persisted in enforcing a proclamation they had published, respecting hogs going at large, contrary to a presentment of the grand jury. We advertised a hundred guineas reward for the discovery of the author or authors, and the inhabitants viewing it in a very proper light, as the commencement of anarchy and confusion, and destruction of all order, handsomely came forward in support of the magistrates, and offered two hundred guineas more, but I am sorry to say without effect. The next step, still more alarming, was a combination of between forty and fifty of the Royal Newfoundland Regiment, to desert with their arms, with a declared intention, as appeared by a letter left behind them, of putting every person to death who should attempt to oppose them. This they put in execution on the night of the 24th April. Their place of rendezvous was the powder shed, back of Fort Townshend, at 11 at night, but were not joined in time from Fort Townshend or Fort William. We know not the reason why the party from Fort Townshend did

not join them, but at Fort William Colonel Skinner happened to have a party at his house very late that night, preventing the possibility of their going out unperceived at the appointed hour, and the alarm being made at Signal Hill for those who quitted that post, the plot was blown, when only nineteen were met, who immediately set off for the woods, but from the vigilance and activity used in their pursuit, in about ten days or a fortnight, sixteen of them were taken, two or three of whom informed against the others, and implicated upwards of twenty more, who had not only agreed to desert, but had also taken the oaths of United Irishmen, administered by an arch-villain Murphy, who belonged to the regiment, and one of the deserters, who with a Sergeant Kelly, and a private, have not as yet been taken. We do not know, nor was it possible to ascertain, how far this defection and the united oaths extended through the regiment. General Skerret ordered a general Court-Martial upon twelve of those taken, five of whom were sentenced to be hanged, and seven to be shot; the former were executed on a gallows erected upon the spot where they met at the powder shed, the other seven were sent to Halifax, to be further dealt with as His Royal Highness should think proper, those also implicated by the king's evidence were sent in irons to Halifax; and the Duke of Kent has at length removed all the regiment, except two companies of picked men, to head quarters, and has relieved them by the whole of the 66th Regiment, who are now here. Various have been the reports on this business; the town to the amount of 2, 3, or 400 men mentioned as privy or concerned in this business, and of acting in concert with them, at least so far as to destroy, plunder, and set off for the States, but no names have been particularly mentioned, so as to bring the proof home. In fact, we were at one time in such a situation, as to render the policy of acting very doubtful, until more force should arrive, as we knew not who we could depend upon for support in case of resistance, having every reason to believe the defection was very extensive, not only through the regiment, but through the inhabitants of this and all the out harbours, particularly to the southward, almost

to a man have taken the United Oaths, which is '*to be true to the old cause, and to follow their heads of whatsoever denomination.*' Although those heads are not to be known to them till the moment a plan is to be put in action, all this one of the evidences has declared originated from letters received from Ireland. Although a United Irishman, he was yet but a novice, and was not so far let into the secret as to know who the letters were addressed to, or who from. Although we are at present without any immediate apprehension of danger, we have no reason to suppose their dispositions have changed, or that their plans of plunder, burnings, &c., are given up, but only waiting a proper opportunity to break forth. The most probable time for such an event would be towards the close of the winter, when the ships of war are absent, the peaceable and well-disposed part of the community off their guard, and no possibility of succour for two or three months, or of even conveying intelligence of our situation. If such *has been* their plan, of which here is little room left for doubt, though I believe more for motives of plunder than of conquest, either of which would be equally destructive, it would be absurd to suppose it might not take place again—I should therefore imagine it behoves Government not to risk another winter without obviating its possible effect; and I am firmly of opinion, after taking the whole of what has passed into view, that the security of the trade and fishery, nay, the security and salvation of the island itself will entirely depend upon a proper military force at this place with sufficient strength to afford small detachments to some of the out harbours to the southward to watch their motions, and assist the magistrates when necessary. This force to render security effectual cannot be less than 800 or 1,000 men, particularly while Ireland is in such a state of ferment as it has been and is likely to continue till the business of the Union is settled, for the events of Ireland have heretofore and will in a great measure govern the sentiments and actions of the far greater majority of the people in this country.

I omitted observing that the regiment now here (the 66th)

have but little more than half their complement of men, and are mostly composed of drafts from the Irish Brigade sent three or four years ago to Halifax, of course not so well adapted for the protection required, as a full and complete regiment from England, staunch and well-affected.

I have thus ventured to offer my opinion upon the public situation of affairs in this island, and have only to regret in common with the real well-wishers to its prosperity, that by the triennial mode of appointing governors we are to be deprived of the aid of your influence and counsel, at a time when from your real knowledge of the island and its internal affairs, they might be of such essential service.

I have the honour to be, &c.

J. OGDEN.

To the Hon. Vice-Admiral Waldegrave, &c. &c. &c.

APPENDIX IV.

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SUBSTANCE OF THE NARRATIVE OF WILLIAM CULL, OF FOGO,  
WHO WAS EMPLOYED BY GOVERNOR HOLLOWAY TO OBTAIN  
INFORMATION OF THE NATIVE INDIANS OF NEWFOUNDLAND.

ON January 1, 1810, William Cull, John Cull, Joseph Mew, John Waddy, William Waddy, Thomas Lewis, James Foster, and two of the Mic-Mac Indians, set out upon the river Exploits, then frozen over, in quest of the residence of the native Indians, in the interior of the country. On the fourth day, having travelled about sixty miles, they discovered a building on the bank of the river, about forty or fifty feet long and nearly as wide. It was constructed of wood, and covered with rinds of trees, and skins of deer. In this building they found, in quantity, about one hundred deer, some part of which from its extreme fatness, must have been obtained early in the fall. The fat venison was in junks, entirely divested of bone, and stowed in boxes made of birch and spruce rinds, each box containing about two hundred weight. The tongues and hearts of the deer were stowed in the middle of the package. The lean venison, or that more recently killed, was in quarters and stowed in bulk, some part of it, with the skin on. In this storehouse they saw three lids of tin tea-kettles, which William Cull believes to be the same given by Governor Gambier to the old Indian woman taken in the second year of his government. They also found several marten, beaver, and deer skins, some of which were dressed after the fashion of our own furriers. On the opposite bank of the river stood a second storehouse,

considerably larger than the former, but they did not examine it, the ice being broken and the passage across attended with some risk. They believe the width of the Exploits in this place to be nearly two hundred yards. In exchange for three small beaver-skins, and nine martens', they left one pair of swanskin trowsers, one pair of yarn stockings, three cotton handkerchiefs, three clasped knives, two hatchets, some small bits of printed cotton, needles, pins, thread and twine. They saw two of the natives on their way to this storehouse, but unfortunately they discovered the party and retired. The two storehouses above mentioned, are opposite to each other, and from the margin of the river on each side, there extended for some miles into the country a high fence for the purpose of leading the deer to the river as these animals travel south or north.\* Along the margin of the river in the neighbourhood of these storehouses were erected extensive fences on each side, in order to prevent the deer, when they had taken the water from landing. It appears that as soon as a company of deer, few or many, enter the river in order to pass south or north, the Indians, who are upon the watch, launch their canoes, and the parallel fences preventing the re-landing of the deer, they fall an easy prey to their pursuers, and the buildings above mentioned are dépôts for their reception. From these storehouses the Indians occasionally draw their supplies in the winter. Cull and his companions conjecture that the residence of the Indians could not be very remote from these magazines, but want of bread, and some difference of opinion among the party, prevented them from exploring further.

\* In the fall, and in the beginning of winter, the deer travel south, and in the spring they return to the north.

APPENDIX V.

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EXTRACTS FROM THE NARRATIVE OF CAPTAIN BUCIAN'S JOURNEY  
UP THE RIVER EXPLOITS, IN SEARCH OF THE NATIVE  
INDIANS, IN THE WINTER OF 1810-1811.

*JAN. 12, 1811.*—On the eve of this date my arrangements were closed, and every necessary preparation made to advance into the interior, for the purpose of endeavouring to accomplish the grand object of your orders, relative to the native Indians of this island. For this service I employed William Cull and Matthew Hugter, as guides, attended by twenty-three men and a boy of the crew of his Majesty's schooner, and Thomas Taylor, a man in Mr. Miller's employ, and well acquainted with this part of the country.

*Jan. 13.*—Wind NW., blowing strong; at 7 A.M. commenced our march; in crossing the arm from the schooner to Little Peter's Point, which is two miles, we found it extremely cold, with the snow drifting and the sledges heavy to haul from the sloppiness of the ice, but having rounded the Point we became sheltered from the wind until reaching Wigwam Point, which is two miles further up on the north side; here the river turns to the northward; a mile further on is Mr. Miller's upper salmon station; the winter crew have their house on the south shore. 3 P.M., have reached the remains of a house occupied by William Cull last winter; we put up for the night, our distance made good being but eight miles in as many hours travelling. The night proved so intensely cold, with light snow at times, that none of our party could refresh themselves with sleep.

*Jan. 14.*—Wind NW., with sharp piercing weather. Renewed our journey with the dawn, not sorry to leave a place in which we had passed so intolerable a night; having proceeded on two miles, we came to the Nutt Islands, four in number, situated in the middle of that river; a mile above these is the first rattle or small waterfall; as far as the eye could discern up the river, nothing but ridgy ice appeared; its aspect almost precluded the possibility of conveying the sledges along; determined to surmount all practical difficulties, I proceeded on with the guides to choose among the excavations those most favourable.  $3\frac{1}{2}$  p. m., put up on the north side, and fenced round the fireplace for shelter. This day's laborious journey I compute to be seven miles; the crew from excessive fatigue, and the night somewhat milder than last, had some sleep. Left a cask, with bread, pork, cocoa, and sugar for two days.

*Jan. 15.*—Blowing fresh from WNW. to NNW. with snow at times; the river winding from W. to NW. At 3 p. m. stopped on the north bank for the night, one mile above the Rattling Brook which empties itself into this river; on the south side, on the western bank of its entrance, we discovered a house which I observed to be one that belonged to the Canadians who had resided at Wigwam Point. This day's journey exhibited the same difficulties as yesterday, having frequently to advance a party to cut and level in some degree the ridges, to admit the sledges to pass from one gulf to another, and to fill up the hollows to prevent them from being precipitated so violently as to be dashed to pieces; but notwithstanding the utmost care, the lashings, from the constant friction, frequently gave way, and in the evening most of the sledges had to undergo some repair and fresh packing. Fenced the fireplace in: at supper the people appeared in good spirits; the weather being milder, fatigue produced a tolerable night's rest. This day's distance is estimated to be seven miles.

*Jan. 16.*—Strong breezes from NNW. with sharp frost. Began our journey with the day; several sledges gave way, which delayed us a considerable time; at 11 A. M. discovered

two old wigwams on the north bank of the river; although they did not appear to have been lately inhabited, yet there were some indications of the natives having been here this fall. 2½ P.M., having reached the lower extremity of the great waterfall, we put up on the north side; while the party were preparing a fire and fence, I proceeded on with Cull and Taylor, in search of an Indian path through which they convey their canoes into the river above the overfall. Taylor, not having been here for many years, had lost all recollection where to find it; after a tedious search we fortunately fell in with it; there were evident signs of their having passed this way lately, but not seemingly in any numbers. Evening advancing, we retraced our steps, and reached our fireplace with the close of day. The night proved more mild than any hitherto, and our rest proportionably better; here I left bread, pork, cocoa, and sugar for two days, and four gallons of rum.

*Jan. 17.*—South-westerly winds, with sleet, and raw cold weather. Began this day's route by conducting the sledges in a winding direction amongst high rocks, forming the lower extremity of the waterfall; having proceeded half a mile, we had to unload and parbuckle the casks over a perpendicular neck of land, which, projecting into the rapid, prevented the ice attaching to its verge; having reloaded on the opposite side, and turned the margin of coves for a third of a mile, we arrived at the foot of a steep bank, where commenced the Indian path; here it was also necessary to unload. Leaving the party to convey the things up the bank, I went on, with Cull and Taylor, to discover the farther end of the path; having come to a marsh it was difficult again to trace it; at length we reached the river above the overfall, its whole extent being one mile and a quarter; having gone on two miles beyond this, we returned. At noon the wind having veered to the SE., it came on to rain heavily; sent a division on to the farther end of the path to prepare a fire &c. 3 P.M., all the light baggage and arms being conveyed to the fireplace, the sledges were left for the night half way in the path, so that after eight hours' fatigue, we

had got little farther than one mile and a half; it continued to rain hard until 9 p.m., when the wind had shifted round to the westward and cleared up, the crew dried their clothes and retired to rest.

*Jan. 18th.*—Wind WNW. and cold weather. Leaving the party to bring on the sledges to the Indian Dock and to repack them, I and the guide having advanced a mile, it was found requisite to cut a path of a hundred yards to pass over a point which the sledges could not round for want of sufficient ice being attached to it.  $10\frac{1}{2}$  A.M., we now rounded a bay, leaving several islands on our left; the travelling pretty good, except in some places where the ice was very narrow, and the water oozing over its surface.  $2\frac{1}{2}$  P.M., put up in a cave on the north shore, as we should have been unable to have reached before dark another place of good fire-wood; here the river forms a bay on either side, leaving between them a space of nearly one mile and a half, in which stood several islands; from the overfall up to these, the river in its centre. Having given directions for a fireplace to be fenced in, and the sledges requiring to be repaired, Cull and myself went on two miles to Rushy Pond Marsh, where he had been last winter; two wigwams were removed which he stated to have been there; the trees leading from the river to the marsh were marked, and in some places a fence thrown up; the bushes in a particular line of direction through a long extent of marsh had wisps of birch bark suspended to them by salmon twine, so placed as to direct the deer down to the river; we killed two partridges and retired to the party by an inland route; we reckon the distance from the Indian Dock to this resting-place to be six miles.

*Jan. 19.*—Westerly wind and moderate, but very cold. Most of this day's travelling smooth, with dead snow, the sledges consequently hauled heavy; having winded for two miles amongst rough ice to gain a green wood on the south shore, that on the north being entirely burnt down, we put up at 4 P.M. a little way in on the bank of a brook where we deposited a cask with bread, pork, cocoa, and sugar for two

days. In all this day's route the river was totally frozen over; we passed several islands: saw a fox and killed a partridge; estimated distance ten miles; rested tolerably during the night.

*Jan. 25.*—Wind WNW. and cold. Renewed our jaunt with the first appearance of day; at first setting out the sledges, in passing over a mile of sharp pointed ice, broke two of them: repairing and packing delayed some time. At noon the sun warm and a fine clear sky. 4 p.m., halted on an island situated two miles above Badger Bay Brook, which falls into this; on the north side it appears wide, with an island in its entrance, and the remains of a wigwam on it. From this brook upwards, as also on the opposite side of the river, are fences for several miles, and one likewise extended in a westerly direction through the island on which we halted, and is calculated to be twelve miles from the last sleeping-place, and twenty-seven miles from the Indian Dock: Hodge's Hills bearing from this ESE.

*Jan. 21.*—Wind westerly, with bleak weather. At dawn proceeded on. At noon several difficulties presented themselves in crossing a track of shelvy ice, intersected with deep and wide rents, occasioned by a waterfall: the sledges were, however, got over them, as also some steeps on the north bank. Having ascended the waterfall, found the river open and placid, with ice sufficient on the edge of its banks to admit the sledges. At  $3\frac{1}{2}$  p.m. put up for the night, and fenced in the fireplace. This day's distance is estimated at eleven miles. From the waterfall upwards, on either side of the river where the natural bank would have been insufficient, fences were thrown up to prevent the deer from landing, after taking to the water, by gaps left open for that purpose. Deposited a cask with bread, pork, cocoa, and sugar, for two days.

*Jan. 22.*—SW. winds with mild hazy weather. Having advanced two miles on the south side, found a storehouse: William Cull stated that no such house was here last winter; it appeared newly erected, and its form circular, and covered round with deer-skins, and some carcases left a little way

from it; two poles were stuck in the ice close to the water, as if canoes had lately been there: four miles from this, passed an island, and rounded a bay; two miles beyond its western extremity, on a projecting rock, were placed several stags' horns. William Cull now informed me that it was at this place he had examined the storehouses (mentioned in his narrative), but now no vestige of them appeared: there was, however, ample room cleared of wood for such a building as is described to have stood, and at a few hundred yards off was the frame of a wigwam still standing; close to this was a deer-skin hanging to a tree, and further on a trope with name of 'Rousell the Rousells live in Sops Arm and in Hew Bay; ' on the south bank, a little lower down, also stood the remains of a wigwam, close to which Cull pointed out the other store to have been a quarter of a mile below on the same side; a river, considerable in appearance, emptied itself into this; directly against its entrance stands an island well wooded. We continued on four miles, and then the party stopped for the night. Cull accompanied me two miles further and returned at sunset. During this day's journey at intervals we could discern a track which bore the appearance of a man's foot going upwards. Our distances made good to-day we allow to be twelve miles, and the river open from the last overfall with scarcely enough of ice attached to the bank to admit the sledges to pass on, and there are banks and fences in such places as the natives find necessary to obstruct the landing of the deer, some of these extending two or three miles, others striking inland; divided the party into three watches, those on guard under arms during the night.

*Jan. 23.*—Wind westerly, with cold weather. At daylight renewed our journey: the river now shoaled and ran rapid; I wished to have forded it, conceiving that the Indians inhabited the other side; but found it impracticable. At 10 A.M., having advanced six miles, and seeing the impossibility of proceeding further with the sledges, divided the party, leaving one half to take care of the stores, whilst the other accompanied me, and taking with us four days

provisions, we renewed our route. The river now winded more northerly; having proceeded on about four miles, we observed on the south side a path in the snow, where a canoe had evidently been hauled across to get above a rattle, this being the only sure indication that we had discovered of their having passed upwards; from the store on the south side the river narrowed, ran irregular, and diminished in depth very considerably; having passed several small rivers on this side, we came abreast of an island, opposite to which, on the south side, was a path in the snow from the water, ascending a bank where the trees were very recently cut, clearly evincing the residence of natives to be near; but it being impossible to ford the river at this place, we continued on, but had not gone more than a mile, when opening a point, an expansive view struck the eye—an immense pond extending nearly in a NE. and SW. direction, and its surface a smooth sheet of ice; we saw tracks, but could not be certain whether of deer or men. We had lost for some miles the trace seen yesterday; on approaching the pond, discovered on its NW. side two bodies in motion, but were uncertain if men or quadrupeds, it being nearly three o'clock. I drew the party suddenly into the wood to prevent discovery, and directed them to prepare a place for the night. I went on to reconnoitre: having skirted along the woods for nearly two miles, we posted ourselves in a position to observe their motions; one gained ground considerably on the other: we continued in doubt as to their being men until, just before losing sight of them in the twilight, it was discernible that the hindermost dragged a sledge. Nothing more could be done until morning, as it would have been impossible to have found their track in the dark; observing on our return a shovel in a bank of snow, we found that venison had been dug out; we, however, found a fine heart and liver; this made a good supper for the party, whom we did not rejoin until dark. One third of the party were successively under arms during the night, which proved excessively cold and restless to all.

*Jun. 24.*—Wind NE. and intensely cold. Having refreshed

ourselves with breakfast and a dram, at  $4\frac{1}{2}$  A.M. commenced our march along the east shore with the utmost silence; beyond the point from whence I had the last view of the two natives, we fell in with a quantity of venison, in carcasses and quarters, close to which was a path into the wood. Conjecturing that the Indians' habitations were here, we advanced in, but found it to be an old one; the party complained much of the cold, and occasionally sheltered themselves under the lee of the points; it at length became necessary to cross the pond in order to gain the track of their sledge; this exposed us entirely to the bitterness of the morning; all complained of excessive cold. With the first glimpse of morn, we reached the wished-for track; this led us along the western shore to the NE., up to a point on which stood an old wigwam: then struck athwart for the shore we had left: as the day opened it was requisite to push forth with celerity to prevent being seen, and to surprise the natives whilst asleep. Canoes were soon descried, and shortly wigwams, two close to each other, and the third a hundred yards from the former. Having examined the arms, and charged my men to be prompt in executing such orders as might be given, at the same time strictly charging them to avoid every impropriety, and to be especially guarded in their behaviour towards the women, the bank was now ascended with great alacrity and silence. Being formed into three divisions, the wigwams were at once secured. On calling to them within and receiving no answer, the skins which covered the entrance being removed, we beheld a group of men, women, and children lying in the utmost consternation; they were some minutes without motion or utterance. My grand object was now to remove their fears, which was soon accomplished by our shaking hands and showing every friendly disposition; the women embraced me for my attention to their children; from alarm they became curious, and examined our dress with great attention and surprise; they kindled a fire and presented us with venison steaks, and fat run into a solid cake, which they used with lean meat. Everything promised the utmost cordiality: knives, handkerchiefs, and other little articles were given to

them, and they offered skins. I had to regret their language not being known; and the presents, at a distance of at least twelve miles, caused me much embarrassment. I used my utmost means to make them sensible of my wish for some of them to accompany us to bring up things such as we wore: this they seemed perfectly to comprehend. Three hours and a half having been employed in conciliatory endeavours, and every appearance of the greatest amity existing between us, and considering a longer tarry useless without the means of convincing them further of our friendship, giving them to understand that we were going, and indicating our intimation to return, four of them signified that they would accompany us. James Butler, corporal, and Thomas Bouthland, private of marines, observing this, requested to be left behind in order to repair their snow shoes. Most of the party wished to be the individuals to remain. I was induced to comply with the first request, from a motive of showing the natives a mutual confidence, and cautioning them to observe the utmost regularity of conduct; at  $10\frac{1}{2}$  A.M., having again myself shook hands with all the natives, and expressed in the best way I could my intention to be with them in the morning, they expressed a satisfaction on seeing that two of us were going to remain with them, and we left them, accompanied by four of them. On reaching the river head, two of the Indians struck into our last night's fireplace. One of these I considered to be their chief. Finding nothing here for him, he directed two of them to continue on with us; these went with cheerfulness, though at times they mistrusted parts of the river having no ice; it was difficult to get along, the banks occasioning at times a considerable distance between me and the hindermost man; being under the necessity of going singly in turning a point, one of the Indians, having loitered behind, took the opportunity and set off, with great speed, calling out to his comrade to follow; previous precautions prevented his being fired at. This incident was truly unfortunate, as we were now nearly in sight of our fireplace; it is not improbable that he might have seen the smoke, and this caused his flight,

or actuated by his own fears, as no action of my people could have given rise to such conduct; he had frequently come and looked eagerly into my face, as if to read me. I had been most scrupulous in avoiding any action and gesture that might cause the least distrust to try the disposition of the remaining one; he was made to understand that he was at liberty to go, but he showed no wish of this kind. At 3 p.m. we joined the rest of our party; he started at seeing so many more men, but this was but of momentary duration, for he soon became pleased with all he saw. I made him a few presents, and showed the articles that were to be taken up, consisting of blankets, woollen wrappers, and shirts, beads, hatchets, knives, and tin pots, thread, needles, and fish-hooks, with which he appeared much satisfied, and regaled himself with tea and broiled venison, for we brought down two haunches with us in the evening. A pair of trowsers and vamps being made out of a blanket, and a flannel shirt presented to him, he put them on with sensible pleasure, carefully avoiding any indecency; being under no restraint he occasionally went out, and he expressed a strong desire for canvas, pointing to a studding sail which covered us on one side; he lay by me during the night. My mind was disturbed, for it occurred to me that the natives, on the return of their comrade that deserted us, would probably, from his misrepresentation, dictated by fear, quit the wigwams, and observe our motions; but I was willing to suppress any fear for the safety of our men, judging that they would not commit any violence until they should see if we returned and brought their companion, and if satisfied that the conduct of my men would be such as not to give occasion for animosity, and that in the event of their being removed they would see the impossibility of safety in any attempt to escape.

*Jan. 25.*--Wind NNE. and boisterous, with sleet; at 7 a.m. set out, leaving only eight of the party behind. On coming up to the river head we observed the tracks of three men crossing the pond in a direction for the other side of the river; the violence of the wind with the sleet and drift snow,

rendered it laborious to get on, and so thick at times that all the party could not be discerned, although at no great distance from each other; when about half a mile from the wigwams, the Indian, who walked sometimes on before, at other times by my side, pointed out an arrow sticking in the ice; we also perceived a recent track of a sledge. At  $2\frac{1}{2}$  p. m. arrived at the wigwams, when my apprehensions were verified; they were left in confusion, nothing of consequence remaining in them but deer-skins; we found a quantity of venison, packs conveyed a little way off, and deposited in the snow; a path extended into the wood but to no distance. Perceiving no mark of violence to have been committed, I hoped that my former conjectures would be realised, and that all would yet be well; the actions of the Indian, indicative of extreme perplexity, are not describable. Having directed the fire to be removed from the wigwam we were now in to one more commodious, one of the people taking up a brand for this purpose, he appeared terrified to the last degree, and used his utmost endeavour to prevent its being carried out; he either apprehended that we were going to destroy the wigwams and canoes (of which latter there were six), or that a fire was going to be kindled for his destruction; for some time he anxiously peeped through the crevices to see what was doing, for he was not at liberty. Perplexed how to act, and the evening drawing on, anxiety for the two marines determined me to let the Indian go, trusting that his appearance and recital of our behaviour would not only be the means of our men's liberation, but also that the natives would return; with this impression, after giving him several things, I showed a wish that his party should return, and by signs intimated not to hurt our people. He smiled significantly, but he would not leave us; he put the wigwams in order, and several times looked to the west side of the pond and pointed. Each wigwam had a quantity of deer's leg-bones ranged on poles (in all three hundred); having used the marrow of some of those opposite that we occupied, the Indian replaced them with an equal number from one of the others, signifying that those were his; he pointed out a

staff, and showed that it belonged to the person that wore the high cap, the same that I had taken to be the chief; the length of this badge was nearly six feet and two inches at the head, tapering to the end, terminating in not more than three quarters of an inch; it represented four plain equal sides, except at the upper end, where it resembled three rims one over the other, and the whole stained red. The day having closed in, it blew very hard with hail, sleet, and rain. It being necessary to be prepared against an attack, the following disposition was made for the night: the wigwam being of a circular form, and the party formed into two divisions, they were placed intermediately, and a space left on each side of the entrance, so that those on guard could have a full command of it; the door-way was closed up with a skin, and orders given for no one to go out; the rustling of the trees and the snow falling from them would have made it easy for an enemy to advance close to us without being heard. I had made an exchange with the Indian for his bow and arrows, and at 11 o'clock lay down to rest; but had not been asleep more than ten minutes when I was aroused by a dreadful scream and exclamation of 'O Lord!' uttered by Matthew Hughster; starting up at the instant in his sleep, the Indian gave a horrid yell, and a musket was instantly discharged. I could not at this moment but admire the promptness of the watch with their arms presented and swords drawn. This incident, which had like to prove fatal, was occasioned by John Giemue, a foreigner, going out; he had mentioned it to the watch; in coming in again, the skin covering the door-way made a rustling noise; Thomas Taylor, roused at the shriek, fired direct for the entrance, and had not Hughster providentially fallen against him at the moment, which moved the piece from the intended direction, Giemue must inevitably have lost his life. The rest of the night was spent in making covers of deer-skin for the locks of the arms.

Jan. 26.—Wind ENE., blowing strong, with sleet and freezing weather. As soon as it was light the crew were put in motion, and placing an equal number of blankets, shirts

and tin pots in each of the wigwams, I gave the Indian to understand that those articles were for the individuals who resided in them. Some more presents were given to him, as also some articles attached to the red staff, all which he seemed to comprehend. At 7. A. M. we left the place, intending to return the Monday following. Seeing that the Indian came on, I signified my wish for him to go back; he however continued with us, sometimes running on a little before in a zigzag direction, keeping his eyes to the ice as having a trace to guide him, and once pointed to the westward and laughed. Being now about two thirds of a mile from the wigwams, he edged in suddenly, and for an instant halted, then took to speed; we at this moment observed that he had stopped to look at a body lying on the ice: he was still within half musket-shot, but as his destruction could answer no end, so it would have been equally vain to attempt pursuit; we soon lost sight of him in the haze. The bodies of our two unfortunate companions lay about a hundred yards apart; that of the corporal being first, was pierc'd by one arrow in the back; three had entered that of Bouthland. They were laid out straight with their feet towards the river and back upwards; their heads were off and carried away, and no vestige of garments left; several broken arrows were by, and a quantity of bread, which must have been emptied out of their knapsacks; very little blood was visible. This melancholy event naturally much affected all the party; but these feelings soon gave way to sensations of revenge. Although I had no doubt as to the possibility of finding out the route they had taken, yet prudence called on me to adopt another line of conduct. As I could have no doubt that our movements had been watched, which the cross track observed in coming up evinced, my mind consequently became alarmed for the safety of those left with the sledges, and hence made it of the utmost moment to join them without loss of time. Prior to entering the river the people were refreshed with some rum and bread, and formed into a line of march, those having fire-arms being in the front and rear, those with cutlasses remaining in the centre, and all charged

to keep as close together as the intricacies would permit. On opening the first point of the river head, one of the men said he observed an Indian look round the second point and fall back; on coming up, we perceived that two men had certainly been there and retreated; we afterwards saw them at times at a good distance before us; the tracks showed that they had shoes on; this caused considerable perplexity; the guides (and indeed all the party), were of opinion that the Indians had seen the sledges, and that those two were returning down the river to draw us into a trammel; for they supposed a body of them to be conveniently posted to take advantage of us in some difficult pass. These conjectures were probable. They strongly urged my taking to the woods as being more safe; although this was certainly true, it would have been attended with great loss of time, for, from the depth and softness of the snow, we could not possibly perform it under two days; and as the immediate joining my people was paramount to every other consideration—for our conjectures might be erroneous—and I was in this instance fain to suspect that curiosity had predominated over the obligations of duty, and that want of consideration had led our men up to view the pond, therefore continued on by the river side. At noon we arrived at the fireplace, and found all well, after having spent four hours in unutterable anxiety for their fate. The two men that had acted so imprudently were easily discovered by the sweat that still rolled down their faces; being made acquainted with the uneasiness they had occasioned, contrition for their misconduct was manifest. Whilst the party dined on pork, bread, and rum, I pondered on the late events, and what in the present juncture was best to be done; my thoughts often wandered to the pond, but after half an hour's reflection, the following considerations fixed me in the resolution of proceeding down the river:—1st, it appeared to me next to a certainty that a numerous body of natives resided in the environs and outlets of the pond; taking this for granted, the hazard would have been greater than prudence would justify, for, after their preparation, was it not to be supposed

they would anticipate our conduct according to their diabolical system? I could not therefore entertain any hope of securing their persons without bloodshed, which would frustrate all future expectation of their reconciliation and civilisation, the grand object in view. It will not be considered improper to remark that the very nature of the service intrusted to my care required the test of faith, and the danger increased by the sincere wish of rendering acts of friendship on our part, whilst a malignant inveteracy subsists in the hearts and actuates the natives to deeds most horrid. 2nd, the state of the weather promising a rapid thaw, which would render our retreat down the river impracticable; this, with the local situation of this part of the Exploits, were cogent reasons to follow the plan of descending the river. The thawing of the ice and snow, and waters from the interior causing the ice already to founder from the banks, so as to render it impossible to conduct the sledges, the knapsacks were filled with as much provisions as they could contain, and, taking with us rum for three days, we commenced our return, obliged to leave everything else behind. On reaching the point on which the old store has been stated to have stood, we observed on the island situated on this part of the river (as described on January 22), nearly at its western end, the frame of an extensive store, apparently erected last summer, and not yet covered in; this island, being well wooded, had obstructed our seeing it on passing upwards, and so surrounded with trees as to prevent our having a full view of it: this is a strong corroboration of Cull's statement. We continued our journey until dark, when we reached the fireplace occupied on the 21st; thus having performed four days' route, making in distance thirty-two miles between this and where we had left the sledges: the ice had become so much weakened as to give way several times, leaving some of the party for a short period on detached pieces from that bound to the banks.

*Jan. 27.—Wind ESE. with small rain.* At daylight renewed our journey . . . . We reached our fireplace of the 19th and halted for the night, having performed two

days' journey, a distance of twenty-three miles. Here we had deposited two days' provisions in a cask well headed, and placed fifty yards in from the west bank of the brook (the fireplace being on the east) and covered over with bushes and snow, insomuch as to consider it perfectly secure from any beast. I was therefore much surprised to find the bushes removed, the head taken out, seven pieces of pork missing, and some of the bread lying by the cask. The rapid thaw obliterated any track that might have formed our judgment as to its having been done by men or beasts. I am inclined to attribute it to the former. One of the pieces of pork was found about two hundred yards from the spot. Some of the party complained of swollen legs.

*Jan. 28.*—Light winds from SE., with rain during the night. The legs of several more of the party began to swell. The thaw still continued very rapid, with prospect of an immediate change. This circumstance, and the great probability of the river's bursting, from the likelihood of the drift ice becoming pent amongst the shoals, determined me, notwithstanding our fatigue and pain, to push forward, and, if possible, to reach our fireplace of the 16th immediately below the great overfall, as the depth of the river below this would make it less subject to break up, and should it become necessary to undertake the laborious and slow travelling in the woods, our distance would be considerably diminished. By dark my wish was accomplished, after a most harassing and uncomfortable march of eighteen miles, the quarter part of this distance being nearly knee-deep in water; in all this day's route we found the river opened in the middle.

*Jan. 29.*—Fresh winds from the SE. with rain. At dawn renewed our journey, the river still continuing to flood and open. On coming to the Rattling Brook, in addition to the canoe mentioned on the 15th, we now found another. I knew them both to have belonged to the Canadians before spoken of, and as these were all they had, I supposed them to have travelled by land to St. George's Bay. Halted at our fireplace of the 14th and refreshed ourselves; and took

with us the provisions that had been left, and at 4 p.m. reached Cull's old house, where we had spent so intolerable a night on the 13th.

*Jan. 30.*—Wind E. with fresh gales and rain; at 7 A.M. proceeded for the schooner, all hearts elevated. We found it extremely tiresome; the waters that had flooded over the ice being partially frozen, but insufficient to bear our weight, made it painful to all, but particularly to those with inflamed ankles; indeed, from the wet state our feet had been in for the last four days, no one escaped being galled. Abreast of Wigwam Point the river was considerably opened. At noon we arrived on board and found all well.

*March 4.*—The people having recovered from the effects of the former excursion, and sledges and casks being made for the reception of stores necessary for a second journey, the day was employed in packing and making the requisite preparations for our departure.

*March 5.*—Wind W. At 7 A.M. I left the schooner with a party of thirty men, having with us provisions and every necessary for twenty-two days. The day proved pleasant and mild, and the hauling good, the ice being much levelled by the late thaws; halted for the night on the north side of the river, one mile above the second fireplace of the former journey.

*March 6.*—Wind W. with falls of snow. At 4 p.m. having reached our former fireplace at the end of the Indian path by the great waterfall, we put up for the night and repacked the sledges. I went with a small party to view the waterfall, which circumstances prevented me from doing before. The sight repaid the trouble of getting to it. The scene was truly interesting; the upper part was formed by a number of cascades, and at last joining their united streams, rolled down one stupendous height of at least eighty feet perpendicular. The sound of this waterfall was at times plainly heard on board the schooner when lying in Peter's Arm, from which ascended a vapour that darkened the atmosphere for a considerable extent. The cavity below exhibited a number of small islands originally formed by the torrent.

*March 7.*—Wind S., with constant snow. At 10 A.M., having come up to the islands opposite Rushy Pond Marsh, we found a wigwam on one of them where the natives had lived last summer. At 1 P.M. put up on the north side, about three miles above our fireplace of January 18, and distant from the Indian Dock nine miles. Very heavy fall of snow. Killed five partridges.

*March 8.*—Strong NE. gales, with constant snow and drift; no possibility of hauling. One of the party received so violent a contusion on the shoulder as to render his arm useless, by a tree having fallen on him. The snow this day fell ten inches.

*March 9.*—Wind W. and blowing hard, with severe weather, rendering it unsafe to proceed . . . .

*March 10.*—Strong gales, with constant snow, and very sharp weather, which continued throughout the day, with considerable drift.

*March 11.*—Wind W. with clear sharp weather. At 7 A.M. recommenced our journey. This morning four of our party were frost-burnt. The hauling proved heavy, from the late snow and drift. At 2 P.M. put up on the north side, two miles below the Badger Bay Brook, and fourteen miles from our last night's sleeping-place.

*March 12.*—Cloudy weather; wind W. At 8 o'clock passed Badger Bay Brook. At noon Hodges Hills bore ENE. two leagues. At  $2\frac{1}{2}$  P.M. put up on the north side, about half a mile below the waterfall (which we had passed on January 21), and sixteen miles from our last resting-place.

*March 13.*—Strong gales from ENE., and constant snow and sleet. At 7 A.M. crossed over and ascended the waterfall on the south side; hauled the sledges through some Indian paths; found several places in the skirts of the woods that had been recently dug up, where something must have been concealed, for the vacuums were lined with birch rind. At 10 A.M. we came up to the storehouse mentioned on January 22; the poles that were then seen in the ice still remained, but their position altered. This store was circular, and covered in with deer-skins; it was not so large

as their wigwams. It was evident that the natives had been here since our passing down in the former journey; they had taken all the prime venison away, and had left nothing but a few inferior haunches, and a number of paunches, which were frozen firmly together; but many of these had, notwithstanding, been removed for the purpose of digging up one part of the ground, where it formed a place somewhat longer than necessary for containing arrows; it is probable that it held arrows, darts, and other implements used by them in killing deer. I was surprised to find that the skins covering in that part of the store fronting the river and the inland side, were perforated with many arrows; this circumstance led me to conclude that they had come down in their canoes, and that some of them had taken a station on the bank, and had shot their arrows at the store, to ascertain whether we might not be concealed in it. Seeing that they had acted with such cautious suspicion, and considering it as betraying an inclination for resistance, made me abandon any further pursuit. Leaving several red shirts in the store-house, as an exchange for such venison as we could take, I returned to our last night's fireplace, not feeling myself warranted to run any further risk. It continued to snow, hail, and sleet, the whole of this day.

*March 14.*—Wind W. At  $9\frac{1}{2}$  A.M. set out on our return down the river, the hauling very heavy, from the sleet and snow that had fallen yesterday. At  $2\frac{1}{2}$  p.m. halted for the night, having travelled nine miles. Found John Weatheral deranged in mind.

*March 15.*—Wind SW. At daylight renewed our march: halted two miles below Badger Bay Brook, at our fireplace of the 11th instant. Found it necessary to have a guard over John Weatheral.

*March 16.*—Wind N., with pleasant weather and good hauling. At 2 o'clock halted at the sleeping-place of the 9th instant, three miles from Rushing Pond Marsh.

*March 17.*—Moderate, with snow. At 11 o'clock reached the upper part of the great waterfall; hauled the sledges to the further end of the path, and put up at the sleeping-place of the 6th instant, called Indian Dock.

*March 18.*—Wind from the westward, with clear frosty weather; at noon heavy hauling; at dark reached Upper Sandy Point, and put up for the night at Mr. Millar's upper salmon station; the distance from the waterfall to this is reckoned twenty miles.

*March 19.*—Fresh breezes and clear frosty weather. At 9 o'clock set out, and at 11 arrived on board the schooner, and found all well. . . .

APPENDIX VI.

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THE following extract is from the note of Lord Palmerston of July 10, 1838, to Count Sebastiani, the French ambassador, and is copied from 'The Journal of the Legislative Council of Newfoundland' for 1857.

. . . . I now proceed to answer that part of your Excellency's note which relates to the conflicting opinions that are entertained as to the true interpretation of the declaration annexed to the treaty of September 3, 1783, and in which your Excellency urges the British Government to disavow the claim of British subjects to a right of fishery upon the coasts in question, concurrent with the right of the subjects of France.

And in the first place, I beg to observe that it does not appear to the British Government that either your Excellency's representation, or that of your predecessor, has shown that any specific grievance has been sustained by French subjects, in consequence of the doubts which are said to be entertained upon this question, so as to prove that there is any pressing necessity for the call which the French Government makes in this respect upon that of Great Britain.

But the British Government is, nevertheless, willing to enter into an amicable examination of the matter, with a view to set those doubts at rest, although it is my duty to say that the British Government are not prepared, according to the view which they at present take of the matter, to concede the point in question.

The right of fishing on the coast of Newfoundland was assigned to French subjects by the King of Great Britain in the Treaty of Peace of 1783, to be enjoyed by them ‘as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.’

But the right assigned to French subjects by the Treaty of Utrecht was ‘to catch fish and to dry them on land,’ within the district described in the said treaty, subject to the condition not ‘to erect any buildings’ upon the island ‘besides stages made of boards, and huts necessary and usual for drying of fish,’ and not to ‘resort to the said island beyond the time necessary for fishing and drying of fish.’

A declaration annexed to the treaty of 1783, by which the right assigned to French subjects was renewed, contains an engagement that ‘in order that the fishermen of the two nations may not give a cause for daily quarrels, His Britannic Majesty would take the most positive measures for preventing his subjects from interrupting, in any manner, by their competition, the fishery of the French during the temporary exercise of it, which was granted to them,’ and that His Majesty would ‘for this purpose cause the fixed settlements which should be found there to be removed.’

A counter declaration stated that the King of France was satisfied with the arrangement concluded in the above terms.

The treaty of peace of 1814 declares that the French right ‘of fishery at Newfoundland is replaced upon the footing upon which it stood in 1792.’

In order, therefore, to come to a right understanding of the question, it will be necessary to consider it with reference to historical facts, as well as with reference to the letter of the declaration of 1783; and to ascertain what was the precise footing upon which the French fishery actually stood in 1792.

Now, it is evident that specific evidence would be necessary, in order to show the construction which the French Government now desire to put upon the declaration of 1783 is the interpretation which was given to that declaration at the period when the declaration was framed; and when the

real intention of the parties must have been best known. It would be requisite for this purpose to prove that, upon the conclusion of the treaty of 1783, French subjects actually entered upon the enjoyment of an exclusive right to catch fish in the waters off the coast in question; and that they were in the acknowledged enjoyment of the exercise of that right at the commencement of the war in 1792. But no evidence to such effect has yet been produced. It is not indeed asserted by your Excellency, nor was it contended by Prince Talleyrand, in his note of 1831, to which your Excellency specially refers, that French subjects were, at the breaking out of the war in 1792, in the enjoyment of such an exclusive right; and, moreover, it does not appear that such right was claimed by France, or admitted by England at the termination of the war in 1801, or at the peace of 1814.

It is true that the privilege secured to the fishermen of France by the treaty and declaration of 1783, a privilege which consists in the periodical use of a part of the shore of Newfoundland for the purpose of drying their fish, has in practice been treated by the British Government as an exclusive right during the period of the fishing season, and within the prescribed limits; because from the nature of the case it would scarcely be possible for British fishermen to dry their fish upon the same part of the shore with the French fishermen, without interfering with the temporary establishments of the French for the same purpose, and without interrupting their operations. But the British Government has never understood the declaration to have had for its object to deprive British subjects of the right to participate with the French in taking fish at sea off that shore, provided they did so without interrupting the French cod-fishery; and although, in accordance with the true spirit of the treaty and declaration of 1783, prohibitory proclamations have from time to time been issued, on occasions when it has been found that British subjects, while fishing within the limits in question, have caused interruption to the French fishery; yet in none of the public documents of the British Government, neither in the Act of Parliament of 1788, passed for the express

purpose of carrying the treaty of 1783 into effect, nor in any subsequent Act of Parliament relating to the Newfoundland fishery; nor in any of the instructions issued by the Admiralty, or by the Colonial Office; nor in any proclamation which has come under my view, issued by the Governor of Newfoundland, or by the British Admiral upon the station; does it appear that the right of French subjects to an exclusive fishery, either of cod-fish, or of fish generally, is specifically recognised.

In addition to the facts above stated, I will observe to your Excellency, in conclusion, that if the right conceded to the French by the declaration of 1783 had been intended to be exclusive within the prescribed district, the terms used for defining such right would assuredly have been more ample and specific than they are found to be in that document; for in no other similar instrument which has ever come under the knowledge of the British Government is so important a concession as an exclusive privilege of this description accorded in terms so loose and indefinite.

Exclusive rights are privileges which, from the very nature of things, are likely to be injurious to parties who are thereby debarred from some exercise of industry in which they would otherwise engage. Such rights are, therefore, certain to be at some time or other disputed, if there is any maintainable ground for contesting them; and for these reasons, when negotiators have intended to grant exclusive rights, it has been their invariable practice to convey such rights in direct, unqualified, and comprehensive terms, so as to prevent the possibility of future dispute or doubt.

In the present case, however, such forms of expression are entirely wanting, and the claim put forward on the part of France is founded simply upon inference, and upon an assumed interpretation of words.

I have &c.,

(Signed) PALMERSTON.

His Excellency Count Sebastiani.

APPENDIX VII.

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**EXTRACTS FROM THE NARRATIVE OF A JOURNEY ACROSS THE  
ISLAND OF NEWFOUNDLAND, BY W. E. CORMACK, ESQ.**

MR. CORMACK travelled across the country in the autumn of 1822. His route lay through the central part of the island, from Trinity Bay on the east, to St. George's Bay on the west coast, as he considered this to be the ‘direction in which the natural characteristics of the interior were likely to be most decidedly exhibited.’ Having secured the services of an Indian as companion, and made all necessary preparations for such an arduous undertaking, he embarked at St. John’s for Trinity Bay on the 30th of August. In order to husband his strength for the main object of his undertaking, he judged it desirable to get as near as possible to the centre of the island by water, and accordingly made his way by boat to Random Sound, which he reached on the 4th of September. On the following day he departed from the sea-coast.

*Sept. 5.*—Being now removed with my Indian from all human communication and interference, we put our knapsacks and equipments in order, and left this inland part of the sea-shore in a northern direction, without regard to any track, through marshes and woods towards some rising ground, in order to obtain a view of the country. The centre of the island bore nearly west from us.

After several hours of hard labour, owing chiefly to the great weight of our knapsacks, we made only about two miles progress. From the tops of the highest trees, the country in all directions westward for at least twenty miles appeared to

be covered with one dense unbroken pine forest, with here and there a bald granite pass projecting above the dark green surface. We had expected to see some open country nearer.

*Sept. 6.*—No clear ground appearing in our course, we struck directly westward through the forest. Wind-fallen trees, underwood, and brooks lay in our way; which, together with the suffocating heat in the woods, and mosquitoes, hindered us from advancing more than five miles to-day in a WNW. direction.

*Sept. 7, 8, 9,* were occupied in travelling westward through the forest, at the rate of seven or eight miles a day.

In our progress we ascended several of the insulated passes to view the country: stunted trees and a thick rug of moss crept almost to their summits. The prospect of the ocean of undulating forest around, of the high land of Trinity and Bonavista Bays, and of the Atlantic ocean in the distance northward, were splendid.

*Sept. 10.*—From the first we had now and then crossed over marshes and open rocky spots in the forest. As we advanced, these latter became more frequent. The changes of sylvan scenery as we passed from one to another were enlivening and interesting, and they afforded the luxury of a breeze that freed us from the host of blood-thirsty flies.

Early in the day, the ground descending, we came unexpectedly to a rivulet about seventy yards wide, running rapidly over a rocky bed to the NE., which we forded. The roaring of a cataract of some magnitude was heard in the NE. From the position and course of this stream, we inferred that it was a branch of the river which runs into Clode Sound in Bonavista Bay; and my Indian supposed, from his recollections of the reports of the Indians concerning Clode Sound River, that canoes could be brought up from the sea-coast to near where we were.

Leaving this rivulet, the land has a considerable rise for several miles. The features of the country then assume an air of expanse and importance different from heretofore. The trees become larger, and stand apart; and we entered

upon spacious tracts of rocky ground entirely clear of wood. Everything indicated our approaching to the verge of a country different from that we had passed over.

On looking back towards the sea-coast, the scene was magnificent. We discovered that, under the cover of the forest, we had been uniformly ascending ever since we left the salt water at Random Bar, and then soon arrived at the summit of what we saw to be a great mountain ridge, that seems to serve as a barrier between the sea and the interior. The black dense forest through which we had pilgrimaged presented a novel picture, appearing spotted with bright yellow marshes, and a few glassy lakes in its bosom, some of which we had passed close by without seeing them.

In the westward, to our inexpressible delight, the interior broke in sublimity before us. What a contrast did this present to the conjectures entertained of Newfoundland! The hitherto mysterious interior lay unfolded before us—a boundless scene—emerald surface—a vast basin. The eye strides again and again over a succession of northerly and southerly ranges of green plains, marbled with woods and lakes of every form and extent, a picture of all the luxurious scenes of national cultivation receding into invisibility. The imagination hovers in the distance, and clings involuntarily to the undulating horizon of vapour in the far west, until it is lost. A new world seemed to invite us onward, or rather we claimed the dominion, and were impatient to proceed to take possession. Fancy carried us swiftly across the island. Obstacles of every kind were dispelled and despised; primitiveness, omnipotence, and tranquillity were stamped upon everything so forcibly, that the mind was hurled back thousands of years, and the man left denuded of the mental fabric which a knowledge of ages of human experience and of time may have reared within him. But to look around us before we advance. The great external features of the eastern portion of the main body of the island are seen from these commanding heights. Overland communication between the bays of the east, north, and south coasts, it appears, might be easily established. The chief

obstacles to overcome, as far as regards the mere way, seem to lie in crossing the mountain belt of twenty or forty miles wide on which we stood, in order to reach the open low interior. The nucleus of this belt is exhibited in the form of a semicircular chain of insulated passes and round-backed granitic hills, generally lying NE. and SW. of each other in the rear of Bonavista, Trinity, Placentia, and Fortune Bays. To the southward of us, in the direction of Piper's Hole in Placentia Bay, one of these conical hills, very conspicuous, I named 'Mount Clarence,' in honour of His Royal Highness, who, when in the navy, had been in Placentia Bay. Our view extended more than forty miles in all directions. No high land, it has been already observed, bounded the low interior in the west.

*Sept. 11.*—We descended into the bosom of the interior. The plains which shone so brilliantly are steppes or savannas, composed of fine black compact peat mould, formed by the growth and decay of mosses. They are in the form of extensive, gently undulating beds, stretching northward and southward, with running waters and lakes, skirted with woods lying between them. Their yellow-green surfaces are sometimes uninterrupted by either tree, shrub, rock, or any irregularity, for more than ten miles. They are chequered everywhere upon the surface by deep beaten deer-paths, and are in reality magnificent natural deer parks, adorned with wood and water.

Our progress over the savanna country was attended with great labour and consequently slow, being at the rate of from five to seven miles a day to the westward, while the distance walked was equivalent to three or four times as much. Always inclining our course to the westward, we traversed in every direction, partly from choice in order to view and examine the country, and partly from the necessity to get round the extremities of lakes and woods, and to look for game for subsistence. We were nearly a month in passing over one savanna after another. In the interval there are several low granitic beds, stretching as the savannas northerly and southerly. Our attention was arrested

twice by observing the tracks of a man on the savannas. After a scrupulous and minute examination, we concluded that one of them was that of a Micmac or Mountaineer Indian who had been hunting here in the preceding year, and from the point of the foot being steep, that he was going laden with fur to the Bay of Despair. The other track was on the shore of Gower Lake. It was that of an Indian who had passed by this season apparently from the Bay of Despair towards Gander Bay. We saw no traces however of the Red Indians. The print of foot remains distinct on the surface of the savannas for years or longer. Any track or course differing from those of the deer in their usual undisturbed walks, is detected by the eye at once.

*October 7.*—We had been occupied since September 11 in travelling the savanna country. A hilly ridge in the westward lying northerly and southerly which had been in view several days, and about the centre of the island, on our near approach bore an aspect different from any we had yet seen, appearing of a bright brown colour along the summit—bristly and castellated. The rocks for some miles to the east were often of various colours, and impregnated with iron, and the shores of the lakes presented remarkably coloured stones, resembling pieces of burnt clay and broken pottery. On arriving on it, this ridge proved to be a serpentine deposit, including a variety of rocks all lying in nearly vertical strata alternating. The conspicuous points were the large angular blocks of quartz rock lying on outgoings of the same ranged along the summit. This rock was very ponderous, owing to much disseminated iron pyrites, the oxidation of which externally gave it the brown colour. . . . . The beaches of many of the lakes in the neighbourhood are formed of disintegrated fragments of those rocks. At one lake in particular, which I in consequence denominated *Serpentine Lake*, the beauty and interesting appearance of some of the beaches, composed entirely of rolled fragments of those rocks of every kind and colour, the red, yellow, and green prevailing, may be fancied better than described. This interesting ridge and district, which forms the centre nearly of Newfoundland,

I designated, in honour of an excellent friend and distinguished promoter of science and enterprise—Professor Jameson of Edinburgh—*Jameson's Mountains*. Judging from the rise in the land for about thirty miles to the eastward, they are about twelve hundred feet above the level of the sea.

Future travellers may easily reach Jameson's Mountains by the route mentioned; and I hope some may soon follow the first there, for they deserve a much more perfect examination than could be given on a first visit by a half-worn-out pedestrian traveller.

*Oct. 10.*—Being now near the centre of the island, upwards of one hundred and ten miles from the most inland part of Trinity Bay, about ninety miles of the distance being across the savannas, we had not yet seen a trace of the Red Indians. It had been supposed that all the central parts of the island were occupied by these people, and I had been daily looking out for them. They were, however, more likely to be fallen in with farther to the westward.

In the west, mountain succeeds mountain in irregular succession, rugged and bleak.

Encumbered with many additional mineralogical specimens, we took our departure from the interesting central mountains, for my part hoping that I might yet see them again.

*Oct. 11.*—While surveying a large lake in the SW., we descried a faint column of smoke issuing from amongst islands near the south shore, about five miles distant. The time we hoped had at last come to meet the Red Indians. Rivers rise here as they had throughout our journey, owing to our track being central, that run to both sides of the island, but it could not be seen to which side this lake contributed its waters. The Red Indians had been reported not to frequent the south side of the island. It was too late in the day to reconnoitre; and my Indian went in pursuit of a herd of deer in another direction, we having no provision for supper. At sunset he did not meet me at the appointed wood in a valley hard by; nor did he return by midnight,

nor at all. I durst not exhibit a fire on the hill as a beacon to him in sight of the strange encampment. His gun might have burst and injured him; he might have fled, or been surprised by the party on the lake.

*Oct. 12.*—At daybreak the atmosphere was frosty, and the slender white column of smoke still more distinctly seen. There were human beings there, and, deserted as I was, I felt an irresistible desire to approach my fellow-creatures, whether they should prove friendly or hostile. Having put my gun and pistols in the best order, and no appearance of my Indian at noon, I left my knapsack and all encumbrances and descended through thickets and marshes towards the nearest part of the lake about two miles distant. The white sandy shore, formed of disintegrated granite, was much trodden over by deer and other animals, but there were no marks of man discernible. The extent of the lake was uncertain; but it was apparent that it would require two days at least to walk round either end to the nearest point of the opposite shore to the occupied island. I therefore kept on my own side to discover who the party was. By firing off my gun, if the party were Red Indians, they would in all probability move off quickly on hearing the report, and they having no fire-arms, my fire would not be answered; if they were other Indians, my fire would be returned. I fired—by and by, the report of a strange gun travelled among the islands from the direction of the smoke; and thus all my doubts and apprehensions were dispelled. The report of this gun was the first noise I had heard caused by man except by my Indian and self for more than five weeks, and it excited very peculiar feelings.

In about an hour my lost Indian unexpectedly made his appearance from the direction where we had parted on the preceding evening, brought to the spot by the report of my gun. He accounted for himself ‘that after having shot a stag about two miles from the spot appointed for our encampment, he attempted to get round the west end of the lake to reconnoitre the party on the island, but found the distance too great, and getting benighted, had slept in the woods.’

Soon afterwards, to my great delight, there appeared among some woody islets in front, which precluded the view of the other side of the lake, a small canoe with a man seated in the stern paddling softly towards us, with an air of serenity and independence possessed only by the Indian. After a brotherly salutation with me, and the two Indians kissing each other, the hunter proved to be unable to speak English or French. They, however, soon understood one another; for the stranger, although a mountaineer from Labrador, could speak a little of the Miemac language, his wife being a Miemac. The mountaineer tribe belongs to Labrador, and he told us that he had come to Newfoundland, hearing that it was a better hunting country than his own, and that he was now on his way from St. George's Bay to the Bay of Despair to spend the winter with the Indians there. He had left St. George's Bay two months before, and expected to be at the Bay of Despair two weeks hence. This was his second year in Newfoundland; he was accompanied by his wife only. My Indian told him that I had come to see the rocks, the deer, the beavers, and the Red Indians, and to tell King George what was going on in the middle of that country. He said St. George's Bay was about two weeks' walk from us if we knew the best way; and invited us over with him in his canoe to rest a day at his camp, where he said he had plenty of venison, which was readily agreed to on my part.

The island on which the mountaineer's camp was lay about three miles distant. The varying scenery as we paddled towards it amongst a number of islets, all of granite and mostly covered with spruce and birch trees, was beautiful. His canoe was similar to those described to have been used by the ancient Britons on the invasion of the Romans. It was made of wicker work, covered over outside with deer-skins sewed together stretched on it, nearly of the usual form of canoes, with a bar or beam across the middle, and one at each end to strengthen it. The skin covering, flesh side out, was fastened or laced to the gunwales with thongs of the same material. Owing to decay and wear, it requires to be

renewed once in from six to twelve weeks. It is in these temporary barks that the Indians of Newfoundland of the present day navigate the lakes and rivers of the interior. They are easily carried, owing to their lightness, across the portages from one water to another, and, when damaged, easily repaired. There were innumerable granite rocks in the lake a little above and below the surface. On one of these our canoe struck and rubbed a hole through the half-decayed skin, and was attended with some risk to our persons and guns.

His wigwam was situated in the centre of a wooded islet, at which we arrived before sunset. The approach from the landing-place was by a mossy carpeted avenue formed by the trees having been cut down in that direction for firewood. The sight of a fire not of our own kindling, of which we were to partake, seemed hospitality. The wigwam was occupied by his wife, seated on a deer-skin busy sewing together skins of the same kind to renew the outside of the canoe, which we had just found required it. A large Newfoundland dog, her only companion in her husband's absence, had welcomed us at the landing-place with signs of the greatest joy. Sylvan happiness reigned here. His wigwam was of a semi-circular form, covered with birch-rind and dried deer-skins, the fire on the foreground outside. Abundance and neatness pervaded the encampment. On horizontal poles over the fire hung quantities of venison steaks, being smoke-dried. The hostess was cheerful, and a supper of the best the chase could afford was soon set before us on sheets of birch-rind. They told me to 'make their camp my own, and to use everything in it as such.' Kindness so elegantly tendered by these people of nature in their solitude, commenced to soften those feelings which had been fortified against receiving any comfort except that of my own administering. The excellence of the venison and of the flesh of young beavers could not be surpassed. A cake of hard deer's fat with scraps of suet toasted brown intermixed, was eaten with the meat; soup was the drink. Our hostess after supper sang several Indian songs at my request; they were plaintive,

and sung in a high key. The song of a female and her contentment in this remote and secluded spot, exhibited the strange diversity there is in human nature. My Indian entertained us incessantly until nearly daylight with stories about what he had seen in St. John's. Our toils were for the time forgotten.

The mountaineer had occupied this camp for about two weeks, deer being very plentiful all round the lake. His larder, which was a kind of shed erected on the rocky shore for the sake of a free circulation of air, was in reality a well-stocked butcher's stall, containing parts of some half dozen fat deer, also the carcases of beavers, otters, musk-rats, and martins, all methodically laid out. His property consisted of two guns and ammunition, an axe, some good culinary utensils of iron and tin, blankets, an apartment of dried deer-skins to sleep on, and with which to cover his wigwam, the latter with the hair off; a collection of skins to sell at the sea-coast, consisting of those of beaver, otter, martin, musk-rat, and deer, the last dried and the hair off; also a stock of dried venison in bundles. Animal flesh of every kind in steaks, without salt, smoked dry on the fire for forty-eight hours, becomes nearly as light and portable as cork, and will keep sound for years. It thus forms a good substitute for bread, and by being boiled two hours recovers most of its original qualities.

This lake, called Mulpegh or Crooked Lake by the Indians, I also named in honour of Professor Jameson. It is nine or ten miles in length by from one to three in breadth, joined by a strait to another lake nearly as large, lying SE., called Burnt Bay Lake, and is one of the chains of lakes connected by the East Bay River of the Bay of Despair, already noticed as running through Serpentine Lake, which forms a part of the grand route of the Indians.

*Oct. 14.*—We left the veteran mountaineer (James John by name) much pleased with our having fallen in with him. He landed us from his canoe on the south shore of the lake, and we took our departure for the westward along the south side.

*Oct. 15.*—The first snow fell this afternoon with a gentle wind from the NNE., and so thick as to compel us to shelter and encamp in a wood that happened fortunately to be near. It continued to snow so heavy that at midnight our fire was extinguished and firewood buried. But the silent uniform fall and pressure of the snow over our screen, and the blankets in which we were wrapped, kept us warm.

*Oct. 16.*—In the morning three feet of snow covered the ground in the woods, and on the open ground it was deeper. Our provisions were exhausted; nor could we get through the snow to look for game. Weakened and miserable, we looked anxiously for a change of wind and a thaw. The trees were loaded with snow. At night a thaw came; but with it a southerly wind that brought both the snow and many of the largest trees to the ground together. There being no frost on the ground, the roots of the trees were not sufficiently bound in the earth to stand under the extraordinary pressure of snow and wind. Our fire was buried again and again by the snow from the trees, and as we were as likely standing up, as lying down, by the trees that crushed and shook the ground around us all the night, we lay still, wrapped in our blankets amidst the danger, and providentially escaped unhurt. The birch had attained a pretty large size in this sheltered spot, under the lie of a hill, which I called Mount Misery. In the forest, while the storm rages above, it is calm at the foot of the trees.

*Oct. 17.*—We were still storm-stayed, and could only view the wreck of the forest close to us. Our situation was truly miserable. But the snow was fast melting away. I felt alarmed at the winter setting in thus early, for the consequences ere we could reach the sea-coast.

*Oct. 18.*—The snow having shrunk a foot at least, we left our wretched encampment, and after a most laborious walk of six or eight miles through snow, thickets, and swollen brooks, and passing many deer scraping holes in the snow with their hoofs to reach the lichens underneath—without however, being able to get within shot of them—we not only reached the lake to the westward, but to our great joy also

discovered, in consequence of meeting with some of their martin traps, the encampment of the Indians of whom we had been told by the mountaineer. . . . .

The Red Indians' country, we were told, was about ten or fifteen miles northward of us; but at this time, as the mountaineer had likewise informed us, these people were all farther to the northward, at the Great Lake, where they were accustomed to lay up their winter stock of venison.

*Oct. 21.*—The weather having been mild for the last few days, much of the snow had dissolved; it lay chiefly in banks. The Indians put us across the lake, and we took our departure for the westward refreshed by our two days' stay with them. The country now became mountainous, and almost destitute of wood. Deer became more numerous. Berries were very plentiful, and mostly in high perfection, although the snow had lately covered them: indeed, the partridge berries were improved, and many spots were literally red with them.

*Oct. 24.*—The winter had now fairly set in. The ponds were all frozen over. The birds of passage had deserted the interior for the sea-coast, and the grouse had got on their white winter coats: many hardships now await the traveller.

*Oct. 27.*—The western territory is entirely primitive. No rocks appear but granitic. The only soil is peat, which varies in quality according to situation. In the valleys some patches are very similar to the savanna peat in the eastward. But as the peat ascends, it becomes shallow and lighter until it terminates at the summit of the mountains in a mere matting. Lichens occupy every station on the peat among the other plants, and on the bare rock.

*Oct. 28.*—The small lakes were sufficiently frozen over for us to walk upon them. As we advanced westward the aspect of the country became more dreary, and the primitive features more boldly marked. Pointed mountains of coarse red granite standing apart, lay in all directions northerly and southerly of each other. Most of them are partially shrouded with firs, bald and capped with snow. As we neared the south end of an extensive lake in order to get round it, we observed a low islet near the middle entirely

covered with a large species of gull. Those birds seemed as if they had congregated to take flight before the lake was frozen over. I named this lake, in honour of a friend at the bar in Edinburgh, ‘Wilson’s Lake.’ At the extreme south end we had to ford a rapid river of considerable size running to the southward, which from its position we inferred was ‘Little River,’ and which discharges at the south coast.

*Oct. 29.*—Drawing near to a mountain ridge higher than any we had yet crossed, and which from appearance we supposed might be the last between us and the sea-coast, we had great satisfaction in discovering smoke rising from a wood on the opposite side of a lake near the foot of it. We indulged in the hope that some timber party from the settlements at St. George’s Bay was encamped here. Our toils were in fancy ended; on reaching the lake, the party encamped seemed to distrust us, not venturing to show themselves openly on the shore. After a time, however, they were convinced by our appearance, gestures, and the report of our guns that we were not Red Indians nor enemies. A canoe was then launched and came across to us. The canoe was of the kind already described—of wicker work, covered with skins, and paddled by two pretty Indian girls. I unceremoniously saluted them in the Indian manner, and we accompanied them to this camp. They were of a party of Miemae Indians, encamped at this lake because deer and firewood were plentiful. One man only belonged to this encampment, and he was out hunting when we arrived. None of the party understood a word of English; my Indian, however, explained. They told us, to our no little mortification, that we were yet sixty miles from St. George’s Harbour, or about five days’ walk if the weather should happen to be favourable, and that it lay in a NW. direction. The last information proved that my Indian had of late pertinaciously persisted on a wrong course.

As every hour was precious towards the final accomplishment of my object, I proposed to my Indian host to accompany me to St. George’s Bay. My offer was agreed to, and a stipulation made to set off in two hours.

*Oct.* 30.—Rain, snow, and wind in the early part of the day compelled us to stop and encamp.

*Oct.* 31.—We travelled over hills and across lakes about twenty miles, fording in that space two rivers running north-easterly, and which are the main source branches of the River Exploits. This large river has therefore a course of upwards of two hundred miles in one direction, taking its rise in the SW. angle of the island, and discharging at the NE. part. The Indians are all excellent shots, and the two men now with me displayed admirable skill in killing the deer at great distances and at full speed with single ball. Nearly a foot of snow had recently fallen, which cast a monotonous sublimity over the whole country, and in a great measure concealed the characteristics of the vegetable as well as the mineral kingdoms. We encamped at night at the southern extremity of what is said by my Indians to be the most southern lake of the interior frequented by the Red Indians, and through which was the main source branch of the River Exploits. At the same lake the Miemaes and the Indians friendly with them commence and terminate their water excursions from and to the west coast. They here construct their first skin canoes upon entering the interior, or leave their old ones upon setting off on foot for the sea-coast. The distance to St. George's Harbour is twenty-five miles or upwards, which part of the journey must be performed on foot, because no waters of any magnitude intervene. I named the lake in honour of His Majesty George IV.

*Nov.* 1.—For nearly twenty miles westward of George IV.'s Lake, the country is very bare, there being scarcely a thicket of wood. During this day, we found two rapid rivulets running south-west to St. George's Bay. Deer had hitherto passed us in innumerable straggling herds. But westward of George IV.'s Lake, and particularly as we neared the coast, very few were to be seen. While ascending a mountain, I felt myself suddenly overcome with a kind of delirium—arising, I supposed, from exhaustion and excessive exertion—but fancied myself stronger than ever I was in my life. It is probable, under that influence, that if the Indian who

last joined had not been present, I would have had a rencontre with my other Indian. In the evening, about eighteen miles west of George IV.'s Lake, from the summit of a snowy ridge which defines the west coast, we were rejoiced to get a view of the expansive ocean and St. George's Harbour. Had this prospect burst upon us in the same manner a month earlier, it would have created in my mind a thousand pleasures, the impressions of which I was now too callous to receive: all was now, however, accomplished, and I hailed the glance of the sea as home, and as the parent of everything dear. There was scarcely any snow to be seen within several miles of the sea-coast, while the mountain range upon which we stood, and the interior in the rear, were covered. This range may be about two thousand feet above the level of the sea, and the snow-capped mountains in the NE. are higher. The descent was now very precipitous and craggy. A rapid river called Flat Bay River, across which we were to ford, or, if swollen, to pass over upon a raft, flowed at the foot of the ridge. It threatened rain, and the sun was setting; but the sight of the sea urged us onward. By sliding down rill courses, and traversing the steeps, we found ourselves, with whole bones but many bruises, at the bottom by 1 o'clock on the following morning. We then, by means of carrying a large stone each on our back, in order to press our feet against the bottom, and steadyng ourselves by placing one end of a pole, as with a staff or walking-stick, firmly upon the bottom on the land or lee side, to prevent the current from sweeping us away, step after step succeeded in fording the river, and encamped by a good fire, but supperless, in the forest on the banks of the river.

Nov. 2.—Upon the immediate banks of Flat Bay River there is some good birch, pine, and spruce timber. The soil and shelter are even so good here, that the ground spruce (*Janus Canadensis*) bearing its red berries constitutes the chief underwood, as in the forests of Canada and Nova Scotia. In the afternoon we reached St. George's Harbour. The first houses we reached, two in number, close to the shore, belonged to Indians. They were nailed up, the

owners not having yet returned from the interior, after their fall's hunting. The houses of the European residents lay on the west side of the harbour, which is here about a mile wide, and near the entrance; but a westerly gale of wind prevented any intercourse across. Having had no food for nearly two days, we ventured to break open the door of one of the houses—the captains or chiefs, as we understood from my last Indian—and found what we wanted—provisions and cooking utensils. The winter's stock of provisions of this provident man, named Emanuel Gontgont, the whole having been provided at the proper seasons, consisted of six barrels of pickled fish of different kinds—viz. young halibuts and eels, besides dried cod-fish, seal oil in bladders, and two barrels of maize, or Indian-corn flour.

*Nov. 3.*—We were still storm-stayed in the Indian house, in the midst of plenty. It seemed remarkable that the provisions were entirely free from the ravages of rats and other vermin, although left without any precaution to guard against such. There was a potato and turnip field close to the house, with the crops still in the ground, of which we availed ourselves, although now partly injured by the frost.

*Nov. 4.*—A party of Indians arrived from the interior, male and female, each carrying a load of furs. Our landlord was amongst them. Instead of appearing to notice with displeasure his door broken open, and house occupied by strangers, he merely said, upon looking round, and my offering an explanation, ‘Suppose me here, you take all these things.’

We crossed the harbour and were received by the residents—Jersey and English, and their descendants—with open arms. All European and other vessels had left this coast a month before, so that there was no chance of my obtaining a passage to St. John's or to another country. There were too many risks attending the sending to sea any of the vessels here at this season, although I offered a considerable sum to the owners of any of them that would convey me to Fortune Bay, on the south coast, from whence I might obtain a passage to Europe by some of the ships that had probably not yet sailed from the mercantile establishments there.

After a few days I parted with my Indians—the one, who had with painful constancy accompanied me across the island, joining his countrymen here to spend the winter with them and return to his friends at the Bay of Despair in the following spring—the other, having renewed his stock of ammunition and other outfits, returned to his family, which we had left in the interior. Having now crossed the island, I cannot help thinking that my success was in part owing to the smallness of my party. Many together could not have so easily sustained themselves; and they would have multiplied the chances of casualties, and thereby of the requisition of the attendance and detention of the able. It is difficult to give an idea of or to form an estimate equivalent to the road-distance gone over. The toil and deprivations were such that hired men, or followers of any class would not have endured them. . . . .

## APPENDIX VIII.

The following table has been compiled and kindly furnished for the use of Newfoundland.

TABLE OF TRADE, REVENUE, &amp;c.

Year	Amount of Civil Expenditure	Amount of Imports	Amount of Exports	Qts. Fish exported	Tuns of Oil exported
1805*	£    s.    d.	£	£	No.	No.
1810*	·    ·    ·	about { 231,200 447,080	about { 590,460 763,330	566,922 773,557	4,596 $\frac{1}{2}$ 4,678 $\frac{3}{4}$
1815*	·    ·    ·	659,280	1,183,800	1,247,503	7,632
1820*	·    ·    ·	580,090	967,000	901,159	9,290 $\frac{3}{5}$
1822	11,960 9 5	467,752	729,198	881,476	1,520
1823	11,753 4 11	523,329	636,496	864,741	6,400
1826	30,260 3 8	862,443	759,305	963,942	9,343
1835	31,632 9 9	671,374	765,977	·    ·    ·	·    ·    ·
1836	36,019 18 6	632,576	850,334	860,354	9,319 $\frac{1}{2}$
1837	34,489 15 0	769,295	906,705	·    ·    ·	·    ·    ·
1838	47,172 9 0	639,268	829,605	724,515	8,625 $\frac{1}{2}$
1839	42,822 3 7	710,557	901,385	865,377	8,905 $\frac{1}{4}$
1840	39,347 2 4	784,045	983,961	915,795	12,724 $\frac{1}{2}$
1841	40,787 17 8	800,423	952,525	1,009,725	10,609 $\frac{1}{2}$
1842					
1843	59,830 13 4	741,965	960,461	932,202	12,346 $\frac{1}{2}$
1844	65,379 5 6	770,016	882,905	852,162	10,280
1845	62,703 18 7	801,330	939,436	1,000,233	8,804 $\frac{1}{2}$
1846	74,050 1 0	802,247	759,103	879,005	6,703
1847	74,873 16 7	843,409	806,565	837,973	9,525
1848	62,071 18 7	769,628	837,581	920,366	10,321 $\frac{1}{2}$
1849	66,262 2 1	770,190	876,567	1,175,167	8,597 $\frac{1}{4}$
1850	71,807 1 5	867,316	975,770	1,089,182	10,302 $\frac{1}{2}$
1851	75,770 15 1	943,191	959,751	1,017,152	10,852 $\frac{3}{5}$
1852	90,409 8 10	795,758	965,772	972,921	11,633
1853	93,066 4 9	912,095	1,170,503	922,718	12,299 $\frac{3}{5}$
1854	77,492 15 10	964,527	1,019,572	774,117	9,272
1855	120,926 3 8	1,152,804	1,142,212	1,107,388	8,056
1856	105,845 16 5	1,271,604	1,338,797	1,268,334	9,650 $\frac{1}{4}$
1857	116,748 13 0	1,413,432	1,651,171	1,392,322	12,487 $\frac{3}{5}$
1858	173,965 8 9	1,172,862	1,318,836	1,038,089	12,097 $\frac{1}{4}$
1859	114,599 1 3	1,323,288	1,357,113	1,105,793	10,579 $\frac{1}{2}$
1860	120,728 4 2	1,254,128	1,271,712	1,138,544	9,892 $\frac{1}{2}$
1861	126,753 5 9	1,152,857	1,092,551	1,021,720	8,606 $\frac{1}{4}$
1862	138,058 17 6	1,007,082	1,171,723	1,080,069	16,637

\* For these years the returns do not furnish the *value* of the goods imported or exported, only the quantities of each article; so that the sterling amount for either the imports or exports is only an approximation, being based upon the prices paid and given for the various articles at the present time.

poses of this work by the Honourable John Bemister, Receiver-General

## PENDITURE FROM 1805 TO 1862.

Seal Skins exported	Tonnage of Vessels in Colony	Vessels built	Amount of Revenue	Amount of Debt	Ships entered	Ships cleared
No. 81,088	*	in 1804	£ s. d.	£ s. d.	No.	No.
118,080	.	30	.	.	550	467
126,315	.	.	.	.	619	600
213,679	.	.	.	.	852	874
306,982	.	.	9,174 8 2	.	730	752
230,410	.	.	14,296 11 10	.	749	748
292,007	.	.	25,614 9 7	.	753	741
.	.	.	42,297 8 2	.	851	825
384,321	.	24	46,187 13 4	.	810	833
.	.	.	40,471 9 7	.	851	785
375,361	.	28	34,527 15 5	.	925	890
437,501	.	16	32,640 11 8	.	817	832
631,385	.	31	43,863 14 1	.	861	834
417,115	.	33	44,143 3 10	.	1,005	952
651,370	.	24	50,884 18 4	.	964	920
685,530	.	.	60,233 2 9	.	1,171	1,071
352,702	.	32	60,303 8 9	.	1,130	1,045
265,169	.	31	76,760 17 10	.	1,189	1,123
436,831	.	17	69,049 14 11	.	1,219	1,222
521,604	.	.	59,300 17 11	.	1,155	1,181
306,072	.	.	69,405 5 1	.	1,101	1,010
about 598,860	.	30	82,652 0 8	106,701 17 4	1,220	1,077
511,630	.	39	80,395 14 2	103,718 14 8	1,230	1,102
534,378	.	38	83,925 6 2	111,712 1 4	1,246	1,080
521,783	.	45	93,857 17 10	114,820 0 0	1,221	1,015
398,870	.	42	81,007 6 10	113,558 8 0	1,073	925
293,083	.	44	126,448 12 4	151,804 14 8	1,077	963
361,317	.	.	118,831 15 8	167,257 18 0	1,327	1,140
496,113	.	.	149,324 9 11	176,706 15 8	1,538	1,314
507,624	.	68	141,128 4 3	175,650 18 5	1,440	1,266
329,185	.	52	124,799 2 6	177,018 17 4	1,423	1,278
444,202	.	52	133,608 1 7	182,139 0 3	1,421	1,296
375,282	.	58	90,043 10 7	180,988 7 5	1,337	1,159
268,624	.	26	116,929 17 1	173,642 12 11	1,345	1,159

\* Not known.



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